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Title 3—

The President

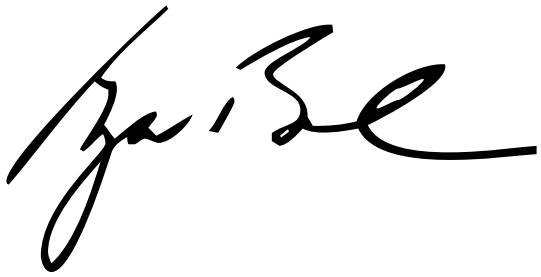
Presidential Determination No. 2002–08 of March 4, 2002

Determination Pursuant to Section 523 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002, (Public Law 107–115)

Memorandum for the Secretary of State

Pursuant to section 523 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002, (Public Law 107–115), I hereby certify that withholding from international financial institutions and other international organizations and programs funds appropriated or otherwise made available pursuant to that Act is contrary to the national interest.

You are authorized and directed to publish this determination in the **Federal Register**.



THE WHITE HOUSE,
Washington, March 4, 2002.

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Presidential Documents

Title 3—

The President

Presidential Determination No. 2002–08 of March 4, 2002

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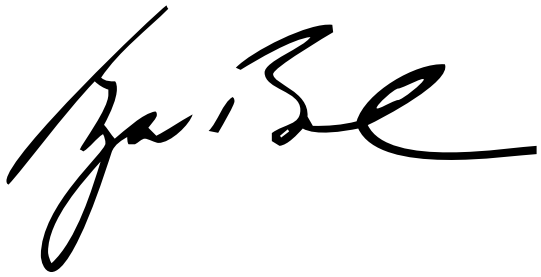

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Washington, March 4, 2002.

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Rules and Regulations

Federal Register
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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.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM211, Special Conditions No. 25–197–SC]

Special Conditions: Boeing Model 737–300, –400, and –500 Series Airplanes; High Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for Boeing Model 737–300, –400, and –500 series airplanes modified by Hollingsead International. These airplanes will have novel and unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The modification incorporates the installation of Rockwell Collins Global Navigation Landing Unit (GNLU–920) Multi-Mode Receiver (MMR) system. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for the protection of these systems from the effects of high-intensity radiated fields (HIRF). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that provided by the existing airworthiness standards.

DATES: The effective date of these special conditions is February 25, 2002. Comments must be received on or before March 29, 2002.

ADDRESSES: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Transport Airplane Directorate, Attn: Rules Docket (ANM–113), Docket No. NM211, 1601 Lind Avenue SW., Renton, Washington, 98055–4056; or delivered in duplicate to the Transport Airplane Directorate at the above address. All comments must be marked: Docket No. NM211. 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: Gregory Dunn, FAA, Airplane and Flight Crew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98055–4056; telephone (425) 227–2799; facsimile (425) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning these special conditions. The docket is available for public inspection before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this preamble between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

We will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions in light of the comments we receive.

If you want the FAA to acknowledge receipt of your comments on this proposal, include with your comments a pre-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it to you.

Background

On January 8, 2002, Hollingsead International, 7416 Hollister Avenue, Goleta, California 93117, applied for a supplemental type certificate (STC) to modify Boeing Model 737–300, –400, and –500 series airplanes approved under Type Certificate No. A16WE. The Model 737 series airplanes range from 101 feet, 9 inches long to 119 feet 7 inches in length and have a wingspan of 94 feet, 9 inches. The height at vertical stabilizer to ground is 36 feet, 6 inches. The passenger load is from 140 to 188 passengers, and the range is from 2785 to 3910 statute miles. The modification incorporates the installation of a dual Rockwell Collins GNLU–920 Multi-Mode Receiver (MMR) system. Each system consists of a Rockwell Collins GNLU–920 MMR and a Gables Engineering MMR Control Panel. The Rockwell Collins GNLU–920 MMR is a single integrated unit that enables approaches using instrument landing systems, microwave systems and global navigation satellite system functions. These functions can be susceptible to disruption to both command and response signals as a result of electrical and magnetic interference caused by high-intensity radiated fields (HIRF) external to the airplane. This disruption of signals could result in loss of critical flight displays and annunciations, or could present misleading information to the pilot.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Hollingsead International must show that the Boeing Model 737–300, –400, and –500 series airplanes, as changed, continue to meet the applicable provisions of the regulations incorporated by reference in Type Certificate No. A16WE, or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the ''original type certification basis.'' The certification basis for the modified Boeing Model 737–300, –400, and –500 series airplanes includes 14 CFR part 25, dated November 14, 1984, as amended by amendments 25–1 through 25–51, except for special conditions and exceptions noted in Type Certificate Data Sheet (TCDS) A16WE.

If the Administrator finds that the applicable airworthiness regulations (that is, 14 CFR part 25, as amended) do not contain adequate or appropriate safety standards for the Boeing Model 737–300, –400, and –500 series airplanes because of novel or unusual design features, special conditions are

prescribed under the provisions of 14 CFR 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Boeing Model 737–300, –400, and –500 series airplanes must comply with the fuel vent and exhaust emission requirement of 14 CFR part 34 and the noise certification requirement of part 36.

Special conditions, as defined in 14 CFR 11.19, are issued in accordance with § 11.38, and become part of the type certification basis in accordance with 14 CFR 21.101(b)(2).

Special conditions are initially applicable to the model for which they are issued. Should Hollingsead International apply at a later date for a supplemental type certificate to modify any other model already included on the same type certificate to incorporate the same novel or unusual design features, these special conditions would also apply to the other model under the provisions of 14 CFR 21.101(a)(1).

Novel or Unusual Design Features

The modified Boeing Model 737–300, –400, and –500 series airplanes will incorporate the Rockwell Collins GNLU–920 MMR system, which perform critical functions. The MMR System contains electronic equipment for which the current airworthiness standards (14 CFR part 25) do not contain adequate or appropriate safety standards that address protecting this equipment from the adverse effects of HIRF. Accordingly, these instruments are considered to be a ''novel or unusual design feature.''

Discussion

There is no specific regulation that addresses protection requirements for electrical and electronic systems from HIRF. Increased power levels from ground-based radio transmitters and the growing use of sensitive avionics/electronics and electrical systems to command and control airplanes have made it necessary to provide adequate protection.

To ensure that a level of safety is achieved equivalent to that intended by the regulations incorporated by reference, special conditions are needed for the Boeing Model 737–300, –400 and –500 series airplanes modified to include Rockwell Collins GNLU–920 MMR System. These special conditions will require that this new system, which perform critical functions, be designed and installed to preclude component damage and interruption of function due to both the direct and indirect effects of HIRF.

High-Intensity Radiated Fields (HIRF)

With the trend toward increased power levels from ground-based transmitters, plus the advent of space and satellite communications, coupled with electronic command and control of the airplane, the immunity of critical digital avionic/electronics and electrical systems to HIRF must be established.

It is not possible to precisely define the HIRF to which the airplane will be exposed in service. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling of electromagnetic energy to cockpit-installed equipment through the cockpit window apertures is undefined. Based on surveys and analysis of existing HIRF emitters, an adequate level of protection exists when compliance with the HIRF protection special condition is shown in accordance with either paragraph 1 OR 2 below:

1. A minimum threat of 100 volts rms (root-mean-square) per meter electric field strength from 10 KHz to 18 GHz.

a. The threat must be applied to the system elements and their associated wiring harnesses without the benefit of airframe shielding.

b. Demonstration of this level of protection is established through system tests and analysis.

2. A threat external to the airframe of the field strengths indicated in Table 1 for the frequency ranges indicated. Both peak and average field strength components from Table 1 are to be demonstrated.

TABLE 1

Frequency	Field strength (volts per meter)	
	Peak	Average
10 kHz–100 kHz	50	50
100 kHz–500 kHz	50	50
500 kHz–2 MHz	50	50
2 MHz–30 MHz	100	100
30 MHz–70 MHz	50	50
70 MHz–100 MHz	50	50
100 MHz–200 MHz	100	100
200 MHz–400 MHz	100	100
400 MHz–700 MHz	700	50
700 MHz–1 GHz	700	100
1 GHz–2 GHz	2000	200
2 GHz–4 GHz	3000	200
4 GHz–6 GHz	3000	200
6 GHz–8 GHz	1000	200
8 GHz–12 GHz	3000	300
12 GHz–18 GHz	2000	200
18 GHz–40 GHz	600	200

The field strengths are expressed in terms of peak of the root-mean-square (rms) over the complete modulation period.

The threat levels identified above are the result of an FAA review of existing studies on the subject of HIRF, in light of the ongoing work of the Electromagnetic Effects Harmonization Working Group of the Aviation Rulemaking Advisory Committee.

Applicability

As discussed above, these special conditions are applicable to Boeing Model 737–300, –400 and –500 series airplanes modified by Hollingsead International to include the Rockwell Collins GNLU–920 MMR. Should Hollingsead International apply at a later date for a supplemental type certificate to modify any other model already included on Type Certificate A16WE to incorporate the same novel or unusual design features, these special conditions would apply to that model as well under the provisions of 14 CFR 21.101(a)(1).

Conclusion

This action affects only certain design features on Boeing Model 737–300, –400 and –500 series airplanes modified by Hollingsead International. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

The substance of the special conditions for this airplane has been subjected to the notice and comment procedure in several prior instances and has been derived without substantive change from those previously issued. Because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the supplemental type certification basis for Boeing Model 737–300, –400 and –500 series airplanes modified by Hollingsead International.

1. *Protection from Unwanted Effects of High-Intensity Radiated Fields (HIRF).* Each electrical and electronic system that performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to high-intensity radiated fields.

2. For the purpose of these special conditions, the following definition applies:

Critical Functions. Functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Renton, Washington, on February 25, 2002.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–5626 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–41–AD; Amendment 39–12671; AD 2002–05–03]

RIN 2120–AA64

Airworthiness Directives; General Electric Company CF6–6, CF6–45, and CF6–50 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), that is applicable to General Electric Company (GE) CF6–6, CF6–45, and CF6–50 series turbofan engines, that currently requires revisions to the Time Limits Section of the manufacturer's Instructions for Continued Airworthiness (ICA) to include required inspection of selected critical life-limited parts at each piece-part exposure. This amendment modifies the airworthiness limitations section of the manufacturer's manual and an air carrier's approved continuous airworthiness maintenance program to incorporate additional inspection requirements. A Federal Aviation Administration (FAA) study of in-service events involving uncontained failures of critical rotating engine parts has indicated the need for mandatory inspections. The mandatory inspections are needed to identify those critical rotating parts with conditions, which if allowed to continue in service, could result in uncontained failures. The actions specified by this AD are intended to prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane.

DATES: Effective date April 12, 2002.

ADDRESSES: This information may be examined, by appointment, at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Karen Curtis, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7192, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 2000–08–11, Amendment 39–11697 (65 FR 21636, April 24, 2000), which is applicable to GE CF6–6, CF6–45, and CF6–50 series turbofan engines was published in the **Federal Register** on October 5, 2001 (66 FR 50912). That action proposed to modify the airworthiness limitations section of the manufacturer's manual and an air carrier's approved continuous airworthiness maintenance program to incorporate additional inspection requirements.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Typographical Error

One commenter states that a typographical error exists in the referenced eddy current inspection (ECI) manual task number for HPT Stage 1 disk rim boltholes. The commenter suggests the task number be corrected from 72–53–03–250–052 to 72–53–03–100–053.

The FAA partially agrees. The task number in the proposal is incorrect, however upon further review with the manufacturer, the correct task number is identified as 72–53–03–250–001–053. The task number suggested by the commenter refers to a preparatory cleaning task and not the intended ECI of the disk rim bolthole. The manufacturer will revise Chapter 05–21 of the manual by temporary revision (TR) to include the correct ECI task number, and this final rule is revised accordingly. The review with the manufacturer also found two other task number errors, which have been addressed by TR's and corrections in this final rule.

Time Limits Not Issued Yet

Four commenters approve of the proposal as-written. However, one of those commenters notes that the manufacturer has not yet issued the revisions to the Time Limits section of the engine manual to require the additional inspections in the proposal. The commenter thinks the revisions should already be issued.

The FAA partially agrees. The FAA is aware that the manufacturer has not yet issued revisions to the Time Limits sections of the engine manuals. However, the existing AD and this final rule allows the manufacturer up to 30 days after the effective date of the AD to issue the necessary revisions to the Time Limits sections. Therefore, no action is necessary to address the commenter's observation.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Economic Analysis

The FAA estimates that 730 engines installed on airplanes of U.S. registry would be affected by this AD, that it would take approximately 10 work hours per engine to accomplish the new inspections, and that the average labor rate is $60 per work hour for a total approximate cost of $600 per engine. It is further estimated that there will be about 299 shop visits per year that result in piece-part exposure of the additional affected components. Based on these figures, the total cost effect of the additional inspections on U.S. operators is estimated to be $179,400.

Regulatory Analysis

This final rule does not have federalism implications, as defined in Executive Order 13132, because it 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. Accordingly, the FAA has not consulted with state authorities prior to publication of this final rule.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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 [Amended]

2. Section 39.13 is amended by removing Amendment 39–11697 (65 FR 21636, April 24, 2000) and by adding a new airworthiness directive, Amendment 39–12671, to read as follows:

2002–05–03 General Electric Company: Amendment 39–12671. Docket No. 98–ANE–41–AD. Supersedes AD 2000–08–11, Amendment 39–11697.

Applicability

This airworthiness directive (AD) is applicable to General Electric Company (GE) CF6–6, CF6–45, and CF6–50 series turbofan engines, installed on but not limited to Airbus Industrie A300 series, Boeing 747 series, and McDonnell Douglas DC–10 series airplanes.

Note 1: This AD applies to each engine 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 engines 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 (c) 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 already done.

To prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane, do the following:

Inspections

(a) Within the next 30 days after the effective date of this AD, revise the manufacturer's Time Limits Section of the Instructions for Continued Airworthiness (ICA), and for air carrier operations revise the approved continuous airworthiness maintenance program, by adding the following:

''MANDATORY INSPECTIONS

(1) Perform inspections of the following parts at each piece-part opportunity in accordance with the instructions provided in the applicable manual provisions:

Part nomenclature	Part No. (P/N)	Inspect per engine shop manual chapter
For CF6–6 Engines:		
Disk, Fan Rotor, Stage One	All	72–21–03 Paragraph 2.F. or Paragraph 2.A.B. Flourescent-Penetrant Inspect, and 72–21–03 Paragraph 3 or 3.A. Eddy Current Inspection.
Fan Forward Shaft	All	72–21–05 Paragraph 1. Magnetic Particle Inspection.
Fan Mid Shaft	All	72–24–01 Paragraph 1. and Paragraph 2. Magnetic Particle Inspection.
Disk, HPC Rotor, Stage 1	All	72–31–04 Paragraph 1. Fluorescent Penetrant Inspection.
Disk, HPC Rotor, Stage 2	All	72–31–05 Paragraph 1. Fluorescent Penetrant Inspection.
Spool, HPC Rotor, Stages Three thru Nine	All	72–31–06 Paragraph 1. Fluorescent Penetrant Inspection.
Disk, HPC Rotor, Stage 10	All	72–31–07 Paragraph 1. Fluorescent Penetrant Inspection.
Spool, HPC Rotor, Stages 11–13	All	72–31–08 Paragraph 1. Fluorescent Penetrant Inspection.
Spool, HPC Rotor, Stages 14–16	All	72–31–08 Paragraph 1. Fluorescent Penetrant Inspection.
HPC Rear Shaft	All	72–31–09 Paragraph 1. and Paragraph 1.E. Fluorescent Penetrant Inspection.
No. 4R Bearing Rotating (CDP) Air Seal	All	72–31–10 Fluorescent Penetrant Inspection.
No. 4R Bearing Rotating (CDP) Air Seal Support	All	72–31–10 Fluorescent Penetrant Inspection.

Part nomenclature	Part No. (P/N)	Inspect per engine shop manual chapter
Disk, HPT Rotor, Stage One	All	72–53–03 Paragraph 1. Flourescent-Penetrant Inspect, and 72–53–03 Paragraph 4. Eddy Current Inspection of the HPTR Disk Rim Boltholes, and 72–53–03 Paragraph 5. Disk Bore Area Eddy Current Inspection.
Disk, HPT Rotor, Stage Two	All	72–53–04 Paragraph 1. Flourescent-Penetrant Inspect, and 72–53–04 Paragraph 4. Eddy Current Inspection of the Stage 2 HPTR Disk Rim Boltholes, and 72–53–04 Paragraph 5. Eddy Current Inspection of the Stage 2 Disk Inner Boltholes and, 72–53–04 Paragraph 6. Disk Bore Area Eddy Current Inspection.
Disk, LPT Rotor, Stages One thru Five	All	72–57–02 Paragraph 1. Fluorescent Penetrant Inspection.
LPT Forward Shaft	All	72–57–03 Paragraph 1. Fluorescent Penetrant Inspection.
LPT Rear Shaft	All	72–57–04 Paragraph 1. Fluorescent Penetrant Inspection.
For CF6–45, CF6–50 Engines:		
Disk, Fan Rotor, Stage One	All	Task 72–21–03–230–051 Fluorescent Penetrant Inspection, and Task 72–21–03–250–002–052 Manual Eddy Current Inspection or 72–21–03–250–003–053 Automated Eddy Current Inspection.
Forward Shaft, Fan	All	Task 72–21–05–240–056 Magnetic Particle Inspection.
Mid Shaft, Fan	All	Task 72–24–01–240–001–051 Magnetic Particle Inspection.
Disk, HPC Rotor, Stage 1	All	Task 72–31–04–230–001–051 Fluorescent Penetrant Inspection.
Disk, HPC Rotor, Stage 2	All	Task 72–31–05–230–001–051 Fluorescent Penetrant Inspection.
Spool, HPC Rotor, Stages 3-9	All	Task 72–31–06–230–001–063 Fluorescent Penetrant Inspection.
Disk, HPC Rotor, Stage 10	All	Task 72–31–07–230–001–051 Fluorescent Penetrant Inspection.
Spool, HPC Rotor, Stages 11–13	All	Task 72–31–08–230–001–051 Fluorescent Penetrant Inspection 1.
Disk, HPC Rotor, Stage 14	All	Task 72–31–07–230–001–055 Fluorescent Penetrant Inspection.
Rear Shaft, HPC Rotor	All	Task 72–31–09–230–001–051 Fluorescent Penetrant Inspection.
Spool/Shaft, HPC Rotor, Stages 11–14	All	Task 72–31–26–230–001–052 Fluorescent Penetrant Inspection.
Rotating (CDP) Air Seal, No. 4R Bearing	All	Task 72–31–10–230–059 Fluorescent Penetrant Inspection.
Rotating (CDP) Air Seal Support, No. 4R Bearing	All	Task 72–31–10–230–059 Fluorescent Penetrant Inspection.
Disk, HPT Rotor, Stage One	All	Task 72–53–03–230–001–059 Fluorescent Penetrant Inspect Disk, and Task 72–53–03–250–001–053 Eddy Current Inspection of the HPTR Stage 1 Rim Boltholes, and Task 72–53–03–250–060 Disk Bore Area Eddy Current Inspection.

Part nomenclature	Part No. (P/N)	Inspect per engine shop manual chapter
Disk, HPT Rotor, Stage Two	All	Task 72–53–04–230–001–057 Fluorescent Penetrant Inspect Disk, and Task 72–53–04–250–053 Eddy Current Inspection of the HPTR Stage 2 Rim and/or Inner Boltholes, and Task 72–53–04–250–060 Disk Bore Area Eddy Current Inspection.
Disks, LPT Rotor, Stages 1–4	All	Task 72–57–02–230–001–051 Fluorescent Penetrant Inspection.
Forward Shaft, LPTR	All	Task 72–57–03–230–001–057 Fluorescent Penetrant Inspection.
Rear Shaft, LPTR	All	Task 72–57–04–230–001–051 Fluorescent Penetrant Inspection.

(2) For the purposes of these mandatory inspections, piece-part opportunity means:

(i) The part is considered completely disassembled when accomplished in accordance with the disassembly instructions in the manufacturer's engine manual; and

(ii) The part has accumulated more than 100 cycles in service since the last piece-part opportunity inspection, provided that the part was not damaged or related to the cause for its removal from the engine.''

(b) Except as provided in paragraph (c) of this AD, and notwithstanding contrary provisions in section 43.16 of the Federal Aviation Regulations (14 CFR 43.16), these mandatory inspections shall be performed only in accordance with the Time Limits Section of the manufacturer's ICA.

Alternative Methods of Compliance

(c) 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 Engine Certification Office (ECO). Operators must submit their requests through an appropriate FAA Principal Maintenance Inspector (PMI), who may add comments and then send it to the ECO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

Continuous Airworthiness Maintenance Program

(d) FAA-certificated air carriers that have an approved continuous airworthiness maintenance program in accordance with the recordkeeping requirement of § 121.369(c) of the Federal Aviation Regulations (14 CFR 121.369(c)) must maintain records of the mandatory inspections that result from revising the Time Limits Section of the Instructions for Continuous Airworthiness (ICA) and the air carrier's continuous airworthiness program. Alternatively, certificated air carriers may establish an approved system of record retention that provides a method for preservation and retrieval of the maintenance records that include the inspections resulting from this AD, and include the policy and procedures for implementing this alternate method in the air carrier's maintenance manual required by § 121.369(c) of the Federal Aviation Regulations (14 CFR 121.369(c)); however, the alternate system must be accepted by the appropriate PMI and require the maintenance records be maintained either indefinitely or until the work is repeated. Records of the piece-part inspections are not required under § 121.380(a)(2)(vi) of the Federal Aviation Regulations (14 CFR 121.380 (a)(2)(vi)). All other Operators must maintain the records of mandatory inspections required by the applicable regulations governing their operations.

Note 3: The requirements of this AD have been met when the engine shop manual changes are made and air carriers have modified their continuous airworthiness maintenance plans to reflect the requirements in the engine shop manuals.

(e) This amendment becomes effective on April 12, 2002.

Issued in Burlington, Massachusetts, on February 27, 2002.

Mark C. Fulmer,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 02–5528 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NE–49–AD; Amendment 39–12670; AD 2002–05–02]

RIN 2120–AA64

Airworthiness Directives; General Electric Company CF34–3A1 and –3B1 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), that is applicable to General Electric Company (GE) CF34–3A1 and –3B1 series turbofan engines, that currently requires revisions to the Engine Maintenance Program specified in the manufacturer's Instructions for Continued Airworthiness (ICA) for GE CF34–3A1 and –3B1 series turbofan engines. Those revisions require enhanced inspection of selected critical life-limited parts at each piece-part exposure. The existing AD also requires that an air carrier's approved continuous airworthiness maintenance program incorporate these inspection procedures. This amendment modifies the airworthiness limitations section of the manufacturer's manual and an air carrier's approved continuous airworthiness maintenance program to incorporate additional inspection requirements. An FAA study of in-service events involving uncontained failures of critical rotating engine parts has indicated the need for mandatory inspections. The mandatory inspections are needed to identify those critical rotating parts with conditions, which if allowed to continue in service, could result in uncontained failures. The actions specified by this AD are intended to prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane.

DATES: Effective date April 12, 2002.

ADDRESSES: The information referenced in this AD may be examined, by appointment, at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Barbara Caufield, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7146; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 2000–03–03 R1, Amendment 39–12228 (66 FR 26787, May 15, 2001), which is applicable to General Electric Company CF34–3A1 and –3B1 series turbofan engines was published in the **Federal Register** on October 5, 2001 (66 FR 50891). That action proposed to modifiy the airworthiness limitations section of the manufacturer's manual and an air carrier's approved continuous airworthiness maintenance program to incorporate additional inspection requirements.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Regulatory Analysis

This final rule does not have federalism implications, as defined in Executive Order 13132, because it 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. Accordingly, the FAA has not consulted with state authorities prior to publication of this final rule.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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 [Amended]

2. Section 39.13 is amended by removing Amendment 39–12228 (66 FR 26787, May 15, 2001) and by adding a new airworthiness directive, Amendment 39–12670, to read as follows:

2002–05–02 General Electric Company: Amendment 39–12670. Docket No. 99–NE–49–AD. Supersedes AD 2000–03–03 R1, Amendment 39–12228.

Applicability

This airworthiness directive (AD) is applicable to General Electric Company (GE) CF34–3A1 and –3B1 series turbofan engines, installed on but not limited to Bombardier Canadair CL 600–2B19(RJ) aircraft.

Note 1: This AD applies to each engine 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 engines 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 (c) 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

Compliance with this AD is required as indicated, unless already done.

To prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane, do the following:

Inspections

(a) Within 30 days after the effective date of this AD, revise the CF34 Engine Maintenance Program, Chapter 5–21–00, of the GE CF34–3A1 and –3B1 Series Turbofan Engine Manual, SEI–756. For air carrier operations, revise the approved continuous airworthiness maintenance program, by adding the following:

''9. *CF34–3A1 and CF34–3B1 Engine Maintenance Program—Mandatory Inspection Requirements.*

(A) This procedure is used to identify specific piece-parts that require mandatory inspections that must be accomplished at each piece-part exposure using the applicable Chapters referenced in Table 804 for the inspection requirements. The inspection requirements listed in Table 804 are not required for any piece-part exposure resulting when the engine remains on-wing while performing maintenance practice, special procedure Number 41 listed in SEI–756, chapter 72–00–00.

(B) Piece-part exposure is defined as follows: Note: Fan disk piece-part includes the fan disk with the 56 fan pin bushings installed.

(1) For engines that utilize the ''On Condition'' maintenance requirements:

The part is considered completely disassembled to the piece-part level when done in accordance with the disassembly instructions in the GEAE authorized overhaul Engine Manual, and the part has accumulated more than 100 cycles-in-service since the last piece-part opportunity inspection, provided that the part was not damaged or related to the cause for its removal from the engine.

(2) For engines that utilize the ''Hard Time'' maintenance requirements:

The part is considered completely disassembled when done in accordance with the disassembly instructions used in the ''Minor Maintenance'' or ''Overhaul'' instructions in the GEAE engine authorized Engine Manual, and the part has accumulated more than 100 cycles-in-service since the last piece-part opportunity inspection, provided that the part was not damaged or related to the cause for its removal from the engine.

C. Refer to Table 804 below for the mandatory inspection requirements.

TABLE 804.—MANDATORY INSPECTION REQUIREMENTS

Part nomenclature	Manual/chapter section/subject	Mandatory inspection
Fan Disk (all)	72–21–00, INSPECTION	All areas (FPI) Bores (ECI)
Stage 1 high pressure turbine (HPT) Rotor Disk (all)	72–46–00, INSPECTION	All areas (FPI) Bores (ECI) Boltholes (ECI) Air Holes (ECI)

TABLE 804.—MANDATORY INSPECTION REQUIREMENTS—Continued

Part nomenclature	Manual/chapter section/subject	Mandatory inspection
Stage 2 HPT Rotor Disk (all)	72–46–00, INSPECTION	All areas (FPI) Bores (ECI)
(a) Boltless Rim Configuration		Boltholes (FPI) Air Holes (FPI)
(b) Bolted Rim Configuration		Boltholes (ECI) Air Holes (ECI)
HPT Rotor Outer Torque Coupling (all)	72–46–00, INSPECTION	All areas (FPI) Bore (ECI)
Forward Fan Shaft (all)	72–21–00, INSPECTION	All areas (FPI)
Fan Drive Shaft (all)	72–22–00, INSPECTION	All areas (FPI)
Stage 1 Compressor; Rotor Disk (CF34–3A1) or; Stage 1 Compressor Rotor; Blisk (CF34–3B1) (all).	72–33–00, INSPECTION	All areas (FPI)
Compressor Forward Shaft (all)	72–33–00, INSPECTION	All areas (FPI)
Stage 2 Compressor Rotor Disk (all)	72–33–00, INSPECTION	All areas (FPI)
Stage 3–8 Compressor Rotor Spool (all)	72–33–00, INSPECTION	All areas (FPI)
Stage 9 Compressor Rotor Disk (all)	72–33–00, INSPECTION	All areas (FPI)
Compressor Rotor Rear Shaft (all)	72–33–00, INSPECTION	All areas (FPI)
Compressor Discharge Rotating Seal (all)	72–33–00, INSPECTION	All non-coated Areas (FPI)
Stage 10–14 Compressor Areas Rotor Spool (all)	72–33–00, INSPECTION	All non-coated (FPI)
Turbine Rear Shaft (LPT Rotor) (all)	72–53–00, INSPECTION	All areas (FPI)
Stage 3 Turbine Disk (all)	72–53–00, INSPECTION	All areas (FPI)
Stage 4 Turbine Disk (all)	72–53–00, INSPECTION	All areas (FPI)
Stage 5 Turbine Disk (all)	72–53–00, INSPECTION	All areas (FPI)
Stage 6 Turbine Disk (all)	72–53–00, INSPECTION	All areas (FPI)
Turbine Driver Cone (all)	72–53–00, INSPECTION	All areas (FPI)

FPI = Fluorescent Penetrant Inspection Method
ECI = Eddy Current Inspection''

(b) Except as provided in paragraph (c) of this AD, and notwithstanding the provisions of section 43.16 of the Federal Aviation Regulations (14 CFR 43.16), these mandatory inspections shall be performed only in accordance with the CF34 Engine Maintenance Program, Chapter 5–21–00, of the General Electric Company, CF34–3A1 and –3B1 Series Turbofan Engine Manual, SEI–756.

Alternative Method of Compliance

(c) 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, Engine Certification Office (ECO). Operators must submit their requests through an appropriate FAA Principal Maintenance Inspector (PMI), who may add comments and then send it to the Manager, ECO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the ECO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 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 done.

Continuous Airworthiness Maintenance Program

(e) FAA-certificated air carriers that have an approved continuous airworthiness maintenance program in accordance with the recordkeeping requirement of § 121.369(c) of the Federal Aviation Regulations (14 CFR 121.369(c)) must maintain records of the mandatory inspections that result from revising the CF34 Engine Maintenance Program and the air carrier's continuous airworthiness program. Alternatively, certificated air carriers may establish an approved system of record retention that provides a method for preservation and retrieval of the maintenance records that include the inspections resulting from this AD, and include the policy and procedures for implementing this alternate method in the air carrier's maintenance manual required by § 121.369(c) of the Federal Aviation Regulations (14 CFR 121.369(c)); however, the alternate system must be accepted by the appropriate PMI and require the maintenance records be maintained either indefinitely or until the work is repeated. Records of the piece-part inspections are not required under § 121.380(a)(2)(vi) of the Federal Aviation Regulations (14 CFR 121.380(a)(2)(vi)). All other operators must maintain the records of mandatory inspections required by the applicable regulations governing their operations.

Note 3: The requirements of this AD have been met when the engine manual changes are made and air carriers have modified their continuous airworthiness maintenance plans to reflect the Engine Maintenance Program requirements specified in the GE CF34–3A1 and –3B1 Series Turbofan Engine Manual.

Effective Date

(f) This amendment becomes effective on April 12, 2002.

Issued in Burlington, Massachusetts, on February 27, 2002.

Mark C. Fulmer,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 02–5527 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Parts 734, 740, 742, and 774

[Docket No. 020228045–2045–01]

RIN 0694–AC56

Revisions to License Exception CTP: Implementation of Presidential Announcement of January 2, 2002

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Export Administration (BXA) is amending the Export Administration Regulations (EAR) by revising License Exception CTP to reflect rapid technological advances in computing capability. This rule implements the President's decision to revise U.S. export controls on high performance computers (HPCs), announced January 2, 2002. All HPCs continue to be eligible for export to a Computer Tier 1 country under License

Exception CTP. Beginning March 3, 2002, HPCs controlled by Export Control Classification Number (ECCN) 4A003 with a CTP up to 190,000 Millions of Theoretical Operations per Second (MTOPS) can be exported to Computer Tier 3 countries under License Exception CTP without advance notification. This revision also applies to electronic assemblies and specially designed components controlled by ECCN 4A003. This rule also moves Latvia from Computer Tier 3 to Computer Tier 1, effective May 2, 2002. Finally, this rule adds Australia, New Zealand, Norway, Switzerland, and Turkey to the list of countries eligible for exports and reexports of software and technology for computers with unlimited CTP under License Exception TSR. The President's action will promote our national security, enhance the effectiveness of our export control system and ease unnecessary regulatory burdens on both government and industry.

DATES: This rule is effective March 6, 2002.

FOR FURTHER INFORMATION CONTACT: Tanya Hodge Mottley in the Office of Strategic Trade and Foreign Policy Controls, Bureau of Export Administration, at (202) 482–1837.

SUPPLEMENTARY INFORMATION:

Background

The 1998 National Defense Authorization Act (NDAA) provides that the President must submit a report to Congress 60 days before raising the CTP level above which exporters must notify the Department of Commerce before exporting a computer to a Tier 3 country under License Exception CTP. License Exception CTP authorizes exports and reexports of computers, electronic assemblies, and specially designed components controlled by ECCN 4A003 to Computer Tier countries as provided by 740.7 of the EAR. On January 2, 2002, the President announced significant changes to U.S. export control policy for High Performance Computers (HPCs). This new policy was necessary to reflect rapid advancements in computer hardware, as well as identify any risk posed by HPC exports to certain end-users and countries. This policy strengthens America's high tech competitiveness, while maintaining export controls to protect U.S. national security. On January 2, 2002, the President also sent a report to Congress announcing this change.

This rule implements the President's decision to increase License Exception CTP eligibility for the export of HPCs, electronic assemblies, and specially designed components controlled by ECCN 4A003 to countries in Computer Tier 3 from 85,000 Millions of Theoretical Operations per Second (MTOPS) to 190,000 MTOPS, to reflect the widespread availability of computers. This change will become effective on March 3, 2002. Advance notification and post-shipment verification reporting provided for in the NDAA, as amended, are not required for computers that are eligible for License Exception CTP since March 20, 2001, and will not be required as a result of this rule. Beginning March 3, 2002, the advance notification level and the upper limit for License Exception CTP will be 190,000 MTOPS, so separate advance notification will not be required. However, provisions in § 742.12(b)(3)(iv) of the EAR continue to require post-shipment verification reporting for licensed exports and reexports of computers above 190,000 MTOPS, and for licensed exports of items used to enhance previously exported or reexported computers, where the CTP will be greater than 190,000 MTOPS.

This rule also implements the President's decision to remove Latvia from Computer Tier 3 and places it in Computer Tier 1. Pursuant to the NDAA, a decision to move a country from Computer Tier 3 to Computer Tier 1 is not effective until 120 days after the Congress receives a report justifying such a removal. The President included a justification in his January 2, 2002 report to Congress. Therefore, Latvia will be moved from Tier 3 to Tier 1 effective May 2, 2002.

To implement the President's decision, this rule makes the following specific amendments to the EAR.

1. This rule revises the Export Administration Regulations by modifying computer exports under License Exception CTP, as follows:

(A) Raising the CTP limit for computers eligible for License Exception CTP for exports and reexports to Computer Tier 3 destinations from ''85,000 MTOPS'' to ''190,000 MTOPS'', effective March 3, 2002; and

(B) Moving Latvia from Tier 3 to Tier 1, effective May 2, 2002.

2. This rule revises the Export Administration Regulations by modifying computer exports under section 742.12, ''High Performance Computers,'' as follows:

(A) Raising the XP control CTP level for computers that require a license to export or reexport to a country in Computer Tier 3 from 85,000 MTOPS to 190,000 MTOPS, effective March 3, 2002; and

(B) Raising the CTP level for computers that require a NDAA post shipment verification report to export or reexport to a country in Computer Tier 3 from 85,000 MTOPS to 190,000 MTOPS, effective March 3, 2002.

Other Revisions

In addition to implementing provisions from the President's January 2, 2002 announcement, this rule amends the EAR to correct an inadvertent omission. This rule adds Australia, New Zealand, Norway, Switzerland, and Turkey to the list of countries eligible for exports and reexports of software and technology for computers with unlimited CTP under License Exception TSR, to correct an inadvertent omission of countries that were either a member or designated a cooperating country of the Coordinating Committee for Multilateral Export Controls (CoCoM), these are identified in Country Group A:1 or by footnote number 1 of Supplement No. 1 to part 740 of the EAR.

To harmonize other sections of the EAR that are affected by the President's decisions, this rule raises the eligibility level for computers in License Exception GOV from a CTP greater than 85,000 MTOPS to a CTP greater than 190,000 MTOPS, effective March 3, 2002. This rule also raises the CTP limit from 85,000 MTOPS to 190,000 MTOPS for computers containing U.S.-origin controlled semiconductors (other than memory circuits) classified under ECCN 3A001 that are eligible for becoming ''not subject to the EAR'' under the *de minimis* procedures of 734.4 of the EAR when destined to Computer Tier 3, while keeping the limit at 28,000 MTOPS for computers containing U.S.-origin controlled semiconductors (other than memory circuits) classified under ECCN 3A001 or high speed interconnect devices (ECCN 4A994.j) when destined to Computer Tier 4 countries, effective March 3, 2002.

This rule makes the following specific amendments to the Commerce Control List, in Category 4—Computers:

4D001—Amended by:

(1) Reformatting the eligibility text of License Exception TSR; and

(2) Adding Australia, New Zealand, Norway, Switzerland, and Turkey to License Exception TSR eligibility.

4E001—Amended by:

(1) Reformatting the eligibility text of License Exception TSR; and

(2) Adding Australia, New Zealand, Norway, Switzerland, and Turkey to License Exception TSR eligibility.

Although the Export Administration Act expired on August 20, 2001, Executive Order 13222 of August 17,

2001 (66 FR 44025, August 22, 2001) continues the Regulations in effect under the International Emergency Economic Powers Act.

Rulemaking Requirements

1. This final rule has been determined to be not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. This regulation involves collections previously approved by the Office of Management and Budget under control numbers 0694–0088, ''Multi-Purpose Application,'' which carries a burden hour estimate of 45 minutes per manual submission and 40 minutes per electronic submission. Miscellaneous and recordkeeping activities account for 12 minutes per submission. Information is also collected under OMB control number 0694–0107, ''National Defense Authorization Act,'' Advance Notifications and Post-Shipment Verification Reports, which carries a burden hour estimate of 15 minutes per report. This rule also involves collections of information under OMB control number 0694–0073, ''Export Controls of High Performance Computers'' and OMB control number 0694–0093, ''Import Certificates and End-User Certificates.''

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. The provisions of the Administrative Procedure Act requiring notice of proposed rule making, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military or foreign affairs function of the United States (see 5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rule making and an opportunity for public comment be given for this rule. Because a notice of proposed rule making and opportunities for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Office of Exporter Services, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, D.C. 20044.

List of Subjects

15 CFR Part 734

Administrative practice and procedure, Exports, and Foreign trade.

15 CFR Part 740

Administrative practice and procedure, Exports, Foreign trade, Reporting and record keeping requirements.

15 CFR Parts 742 and 774

Exports, Foreign trade.

Accordingly, parts 734, 740, 742, and 774 of the Export Administration Regulations (15 CFR Parts 730–799) are amended as follows:

1. The authority citation for 15 CFR part 734 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp. p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, August 22, 2001; Notice of November 9, 2001, 66 FR 56965, November 13, 2001.

2. The authority citation for 15 CFR part 740 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; Sec. 901–911, Publ. L. 106–387; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, August 22, 2001.

3. The authority citation for 15 CFR part 742 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; Sec. 901–911, Publ. L. 106–387; Sec. 221, Publ. L. 107–56; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, August 22, 2001; Notice of November 9, 2001, 66 FR 56965, November 13, 2001.

4. The authority citation for 15 CFR part 774 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*, 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; Sec. 901–911, Publ. L. 106–387; Sec. 221, Publ. L. 107–56; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, August 22, 2001.

PART 734—[AMENDED]

5. Part 734 is amended by revising the phrase ''85,000 MTOPS'' to read ''190,000 MTOPS'' in § 734.4(a).

PART 740—[AMENDED]

6. Section 740.7 is amended by:

(a) Adding a sentence to the end of paragraphs (c)(1) and (d)(1), to read as follows;

(b) Revising the phrase ''equal to 85,000 MTOPS'' to read ''equal to 190,000 MTOPS'' in paragraph (d)(2).

§ 740.7 Computers (CTP).

* * * * *

(c) *Computer Tier 1.* (1) *Eligible countries.* * * * As of May 2, 2002, Latvia is a Computer Tier 1 country.

* * * * *

(d) *Computer Tier 3.* (1) *Eligible countries.* * * * As of May 2, 2002, Latvia is moved to Computer Tier 1.

* * * * *

§ 740.11 [Amended]

7. Section 740.11 is amended by revising the number ''85,000'' to read ''190,000'' in paragraphs (a)(2)(ii), (a)(2)(iii), and (c)(2)(i).

8. Supplement No. 1 to part 740.11 is amended by revising the number ''85,000'' to read ''190,000'' in paragraphs (a)(1)(ii), (a)(1)(iii), (b)(1)(ii), and (b)(1)(iii).

PART 742—[AMENDED]

§ 740.12 [Amended]

9. Section 742.12 is amended by revising the phrase ''where the CTP is greater than 85,000 MTOPS'' to read ''where the CTP is greater than 190,000 MTOPS'' in paragraph (b)(3)(iv)(A).

PART 743—[AMENDED]

§ 743.1 [Amended]

10. Section 743.1 is amended by revising the phrase, ''having a CTP level of greater than 85,000 MTOPS'' to read ''having a CTP level of greater than 190,000 MTOPS'' in the note to paragraph (c)(2).

* * * * *

PART 774—[AMENDED]

11. In Supplement No. 1 to part 774 (the Commerce Control List), Category 4—Computers is amended by revising the ''License Exceptions'' section of Export Control Classification Number (ECCNs) 4D001 and 4E001, to read as follows:

4D001 ''Software'' specially designed or modified for the ''development'',

''production'' or ''use'' of equipment or ''software'' controlled by 4A001 to 4A004, or 4D (except 4D980, 4D993 or 4D994).

* * * * *

License Exceptions

CIV: N/A

TSR: (a) N/A for:

(1) ''Software'' controlled for MT reasons;

(2) ''Software'' for equipment or ''software'' requiring a license; *or*

(3) ''Software'' described by TSR paragraph (b)(1)(ii) of this License Exception section, when exported or reexported to a destination not included in TSR paragraph (b)(1)(i) of this License Exception section.

(b) Yes for:

(1) ''Software'':

(i) Exported or reexported to Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, or the United Kingdom; and

(ii) Specially designed for the ''development'' or ''production'' of any of the following:

(A) ''Digital'' computers controlled by 4A003.b and having a CTP exceeding than 33,000 MTOPS; or

(B) ''Electronic assemblies'' controlled by 4A003.c and capable of enhancing performance by aggregation of ''computing elements'' so that the CTP of the aggregation exceeds 33,000 MTOPS; and

(2) All other ''software'' not described in TSR paragraphs (a) or (b)(1) of this License Exception section.

* * * * *

4E001 ''Technology'' according to the General Technology Note, for the ''development'', ''production'' or ''use'' of equipment or ''software'' controlled by 4A (except 4A980, 4A993 or 4A994) or 4D (except 4D980, 4D993, 4D994).

* * * * *

License Exceptions

CIV: N/A

TSR: (a) N/A for:

(1) ''Technology'' controlled for MT reasons; or

(2) ''Technology'' described by TSR paragraph (b)(2)(ii) of this License Exception, when exported or reexported to a destination not included in TSR paragraph (b)(2)(i) of this License Exception.

(b) Yes for:

(1) '' Technology'' directly related to hardware eligible for export or reexport under a License Exception;

(2) ''Technology'':

(i) Exported or reexported to Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, or the United Kingdom; and

(ii) For the ''development'' or ''production'' of any of the following:

(A) ''Digital'' computers controlled by 4A003.b and having a CTP exceeding 33,000 MTOPS;

(B) ''Electronic assemblies'' controlled by 4A003.c and capable of enhancing performance by aggregation of ''computing elements'' so that the CTP of the aggregation exceeds 33,000 MTOPS; *or*

(C) ''Software'' controlled by 4D001 and specially designed for the ''development'' or ''production'' of equipment listed in TSR paragraphs (b)(2)(ii)(A) or (b)(2)(ii)(B) of this License Exception section; *and*

(3) All other ''technology'' not described in TSR paragraphs (a), (b)(1), or (b)(2) of this License Exception section.

Dated: March 5, 2002.

James J. Jochum,

Assistant Secretary for Export Administration.

[FR Doc. 02–5562 Filed 3–5–02; 4:04 pm]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR parts 734, 738, 740, 742, 743, 748, and 774

[Docket No. 020228044–2044–01]

RIN 0694–AC42

Implementation of the Wassenaar Arrangement List of Dual-Use Items Revisions: Computers; and Revisions to License Exception CTP

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Export Administration (BXA) maintains the Commerce Control List (CCL), which identifies those items subject to Department of Commerce export licensing requirements based on their characteristics. Certain entries on the CCL implement multilateral national security controls established by the Wassenaar Arrangement on Export controls for Conventional Arms and Dual-Use Goods (the Wassenaar Arrangement), of which the United States is a founding member. The Wassenaar Arrangement controls strategic items with the objective of improving regional and international security and stability.

In this regard, on December 1, 2000, the Wassenaar Arrangement agreed to implement several changes in its List of Dual-Use Goods and Technologies. This final rule revises the CCL to implement certain agreed changes in Category 4 (Computers) of the Wassenaar List of Dual-Use Goods and Technologies, specifically in the area of computers. These changes are being implemented to reflect rapid technological advances and effective control factors. Additional changes in other categories of the Wassenaar Dual-Use List will be implemented in the CCL in a supplemental regulation.

In addition, this rule makes conforming and clarification revisions to License Exception CTP.

DATES: This rule is effective March 5, 2002.

FOR FURTHER INFORMATION CONTACT: Tanya Hodge Mottley in the Office of Strategic Trade and Foreign Policy Controls, Bureau of Export Administration, at (202) 482–1837.

SUPPLEMENTARY INFORMATION:

Background

In July 1996, the United States and thirty-two other countries gave final approval to the establishment of a new multilateral export control regime, called the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (Wassenaar Arrangement). The Wassenaar Arrangement contributes to regional and international security and stability by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilizing accumulations of such items. Participating states have committed to exchange information on exports of dual-use goods and technologies to non-participating states for the purposes of enhancing transparency and assisting in the development of a common understanding of the risks associated with the transfers of these items.

Implementation of Wassenaar Arrangement Agreement

This final rule revises certain national security control parameters for computers to implement recently agreed changes in Category 4 (Computers) of the Wassenaar List of Dual-Use Goods and Technologies. These changes are being implemented to reflect rapid technological advances and controllability factors.

A detailed description of the amendments to the Commerce Control List that are included in this rule is provided below.

Category 4—Computers:

4A001—Amended by:

(1) Revising the License Requirement section to increase the XP control levels from 6,500 MTOPS to 28,000 MTOPS, consistent with the multilaterally agreed national security level; and

(2) Correcting some typographical errors in the Related Control section.

4A002—Amended by revising the License Requirement section to increase

the XP control levels from 6,500 MTOPS to 28,000 MTOPS, consistent with the multilaterally agreed national security level.

4A003—Amended by:

(1) Revising the License Requirement section to increase the XP control levels from 6,500 MTOPS to 28,000 MTOPS, consistent with the multilaterally agreed national security level;

(2) Removing License Exception LVS eligibility for paragraphs (b) and (c), as the need for LVS MTOPS limit has been surpassed by the new, higher control threshold and BXA has determined that an eligibility level above the new threshold is not warranted; and

(3) Revising paragraph (b) in the List of Items Controlled to increase the national security (NS) control level for computers from 6,500 MTOPS to 28,000 MTOPS.

4D001—Amended by revising the License Requirement section to increase the XP control levels from 6,500 MTOPS to 28,000 MTOPS, consistent with the multilaterally agreed national security level.

4D002—Amended by:

(1) Revising the License Requirement section to increase the XP control levels from 6,500 MTOPS to 28,000 MTOPS, consistent with the multilaterally agreed national security level; and

(2) Correcting a citation reference in the XP reason for control paragraph.

4E001—Amended by revising the License Requirement section to increase the XP control levels from 6,500 MTOPS to 28,000 MTOPS, consistent with the multilaterally agreed national security level.

This rule also revises other provisions of the EAR to ensure that all regulations reflect the changes made by Wassenaar Arrangement Agreement. This rule raises the CTP level for which Wassenaar reporting is required for computers exported to non-Wassenaar members under License Exception from 6,500 MTOPS to 75,000 MTOPS. Wassenaar reporting requirements are found in part 743 of the EAR. Reports for exports to Computer Tier 3 destinations of computers having a CTP level of greater than 85,000 MTOPS, should be reported under the post shipment verification reporting provisions of § 742.12 and need not be reported under the Wassenaar reporting provisions in section § 743.1 of the EAR.

This rule also raises the CTP limit from 33,000 MTOPS to 85,000 MTOPS of computers and electronic assemblies that are eligible for export or reexport under License Exception GOV to the International Atomic Energy Agency (IAEA) and the European Atomic Energy Community (Eurotom), and reexports by these organizations for official international safeguard use, as described in § 740.11(a) of the EAR.

Finally, this rule raises the CTP limit from 33,000 MTOPS to 85,000 MTOPS of computers and electronic assemblies that are eligible for export or reexport under License Exception GOV for international inspections under the Chemical Weapons Convention, while adding a prohibition for access either physically or computationally by nationals of Cuba, Iran, Iraq, Libya, North Korea, Sudan, or Syria.

This rule also clarifies that the XP (high performance computer) reason for control in ECCNs 4A001, 4A002, 4A003, 4D001, 4D002, and 4E001, does not apply to Canada. In 1996, BXA published a regulation that restructured the entire Export Administration Regulations (61 FR 12714, March 25, 1996). Prior to the restructuring, § 785.6 of the EAR stated that, ''the general policy is to permit shipments of commodities and technical data to Canada for consumption or use in that country without an export license.'' Because XP is not a reason for control that is represented on the Commerce Country Chart created by the restructuring, and because the general policy statement for Canada was removed from the EAR during the restructuring, the EAR did not clearly state that a license is not required for items controlled under XP when destined to Canada. Therefore, this rule corrects this unintentional omission, by incorporating language into the CCL stating that XP does not apply to Canada.

This rule also corrects the license requirement for XP reasons, set forth in § 742.12(a)(1), to state that the XP license requirement does not apply when an item is eligible for export or reexport under any License Exception. This rule also clarifies, in § 742.12(a)(1), that post-shipment verification reporting or Wassenaar reporting requirements may apply to certain exports or reexports of XP controlled items under License Exceptions.

Revisions to License Exception CTP

In addition, this rule clarifies License Exception CTP and removes some provisions that have been unintentionally retained in the EAR when BXA published the rule that implemented President Clinton's January 10, 2001 announcement on computer revisions, on January 19, 2001 (66 FR 5443).

This rule makes the following specific amendments to License Exception CTP (§ 740.7 of the EAR):

(1) Clarifies the scope of the License Exception, by adding language explaining that the scope not only covers computers and specially designed components therefor, but also includes electronic assemblies;

(2) Moves the restrictions found in paragraph (a) ''scope'' to a new paragraph (b) ''restrictions'';

(3) Removes the reference to the national security control level for high performance computers (greater than 6,500 MTOPS) eligible under this License Exception for export or reexport to countries in Computer Tiers 1 or 3. This revision was added to this rule to clarify that computers having a CTP less than 28,000 MTOPS, that are controlled for parameters other than CTP, are eligible under this License Exception; and

(4) Removing paragraphs (d)(4) and (d)(5), because NDAA notification requirements and post-shipment verification reporting requirements are no longer required for computers that are eligible for License Exception CTP. The regulation that was published on January 19, 2001 (66 FR 5443) established that NDAA notification and post-shipment requirements under License Exception CTP would end on March 20, 2001. However, provisions in § 742.12(b)(3)(iv) of the EAR continue to require post-shipment verification reporting for licensed exports and reexports of computers above 85,000 MTOPS, and for licensed exports of items used to enhance previously exported or reexported computers, where the CTP is greater than 85,000 MTOPS. In addition, this rule makes the following clarifications and corrections in other provisions of the EAR to ensure that all regulations reflect the changes made by the President's January 10, 2001 announcement.

(1) As the January 19, 2001 rule moved Hong Kong and South Korea to Computer Tier 1 with eligibility under License Exception CTP for computers with unlimited CTP, this rule removes footnote number 2 from the Commerce Country Chart (Supplement No. 1 to part 738), which imposed a license requirement for computers with a CTP greater than 45,000 MTOPS to Hong Kong and South Korea. The ''X'' in NS Column 2 for Hong Kong and South Korea only represented a license requirement for items under 4A001, 4A002, and 4A003 if the CTP was greater than 45,000 MTOPS, and did not apply for any other items subject to NS Column 2; therefor, the license requirement symbol ''X'' from NS Column 2 has been removed for these countries.

(2) This rule revises § 740.16(b)(1) to remove from License Exception APR the restriction on reexports of computers with a CTP greater than 45,000 MTOPS to Hong Kong and South Korea.

(3) This rule also raises the CTP limit from 28,000 MTOPS to 85,000 MTOPS for computers containing U.S.-origin controlled semiconductors (other than memory circuits) classified under ECCN 3A001 that are eligible for becoming ''not subject to the EAR'' under the *de minimis* procedures of § 734.4 of the EAR when destined to Computer Tier 3, while keeping the limit at 28,000 MTOPS for computers containing U.S.-origin controlled semiconductors (other than memory circuits) classified under ECCN 3A001 or high speed interconnect devices (ECCN 4A994.j) when destined to Computer Tier 4 countries.

Although the Export Administration Act expired on August 20, 2001, Executive Order 13222 of August 17, 2001 (66 FR 44025, August 22, 2001) continues the Regulations in effect under the International Emergency Economic Powers Act.

Rulemaking Requirements

1. This final rule has been determined to be not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. This regulation involves collections previously approved by the Office of Management and Budget under control numbers 0694–0088, ''Multi-Purpose Application,'' which carries a burden hour estimate of 45 minutes per manual submission and 40 minutes per electronic submission. Miscellaneous and recordkeeping activities account for 12 minutes per submission. Information is also collected under OMB control number 0694–0107, ''National Defense Authorization Act,'' Advance Notifications and Post-Shipment Verification Reports, which carries a burden hour estimate of 15 minutes per report. This rule also involves collections of information under OMB control number 0694–0073, ''Export Controls of High Performance Computers'' and OMB control number 0694–0093, ''Import Certificates and End-User Certificates''.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. The provisions of the Administrative Procedure Act requiring notice of proposed rule making, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military or foreign affairs function of the United States (see 5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rule making and an opportunity for public comment be given for this rule. Because a notice of proposed rule making and opportunities for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Office of Exporter Services, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects

15 CFR Part 734

Administrative practice and procedure, Exports, Foreign trade.

15 CFR Parts 740, 743, and 748

Administrative practice and procedure, Exports, Foreign trade, Reporting and record keeping requirements.

15 CFR Parts 738 and 742

Exports, Foreign trade.

15 CFR Part 774

Exports, Foreign trade, Reporting and recordkeeping requirements.

Accordingly, parts 734, 738, 740, 742, 743, 748, and 774 of the Export Administration Regulations (15 CFR Parts 730–799) are amended as follows:

1. The authority citation for 15 CFR Part 734 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp. p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, August 22, 2001; Notice of November 9, 2001, 66 FR 56965, November 13, 2001.

2. The authority citation for 15 CFR part 738 is revised to read and the authority citation for 15 CFR part 774 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c; 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; Sec. 901–911, Publ. L. 106–387; Sec. 221, Publ. L. 107–56; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, August 22, 2001.

3. The authority citation for 15 CFR part 740 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; Sec. 901–911, Publ. L. 106–387; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, August 22, 2001.

4. The authority citation for 15 CFR part 748 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, August 22, 2001.

5. The authority citation for 15 CFR Part 742 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; Sec. 901–911, Publ. L. 106–387; Sec. 221, Publ. L. 107–56; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, August 22, 2001; Notice of November 9, 2001, 66 FR 56965, November 13, 2001.

6. The authority citation for 15 CFR part 743 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq*; Pub.L. 106–508; 50 U.S.C. 1701 *et seq*; E.O. 13206, 66 FR 18397, April 9, 2001.

PART 734—[AMENDED]

7. Part 734 is amended by revising § 734.4(a), to read as follows:

§ 734.4 *De Minimis* U.S. Content.

(a) There is no *de minimis* level for the export from a foreign country of a foreign-made computer exceeding 85,000 MTOPS containing U.S.-origin controlled semiconductors (other than memory circuits) classified under ECCN 3A001 to Computer Tier 3; or exceeding 28,000 MTOPS containing U.S.-origin controlled semiconductors (other than memory circuits) classified under ECCN 3A001 or high speed interconnect devices (ECCN 4A994.j) to Computer Tier 4 countries described in § 742.12 of the EAR.

* * * * *

PART 738—[AMENDED]

8. Supplement No. 1 to part 738 is amended by:

(a) Removing the license symbol ''X'' and the reference to footnote 2 in NS

Column 2 for Hong Kong and South Korea; and

(b) Removing footnote 2.

PART 740—[AMENDED]

9. Part 740 is amended by:

(a) Revising §§ 740.7, 740.11(c)(2)(i) and 740.16(b); and

(b) Revising the number ''45,000'' to read ''85,000'' in 740.11(a)(2)(ii), 740.11(a)(2)(iii), Supplement No. 1 to § 740.11 paragraphs (a)(1)(ii), (a)(1)(iii), (b)(1)(ii), and (b)(1)(iii), to read as follows:

§ 740.7 COMPUTERS (CTP).

(a) *Scope.* License Exception CTP authorizes exports and reexports of computers, including ''electronic assemblies'' and specially designed components therefor controlled by ECCN 4A003, exported or reexported separately or as part of a system for consumption in Computer Tier countries as provided by this section. When evaluating your computer to determine License Exception CTP eligibility, use the CTP parameter to the exclusion of other technical parameters for computers classified under ECCN 4A003.a or .b, and ''electronic assemblies'' under ECCN 4A003.c, *except* for parameters specified as Missile Technology (MT) concerns or 4A003.e (equipment performing analog-to-digital conversions exceeding the limits in ECCN 3A001.a.5.a).

(b) *Restrictions.* (1) Related equipment controlled under 4A003.d and .g may not be exported or reexported under this License Exception when exported or reexported separately from eligible computers authorized under this License Exception.

(2) Computers eligible for License Exception CTP may not be accessed either physically or computationally by nationals of Cuba, Iran, Iraq, Libya, North Korea, Sudan, or Syria, except that commercial consignees described in Supplement No. 3 to part 742 of the EAR are prohibited only from giving such nationals user-accessible programmability.

(3) Computers eligible for License Exception CTP may not be reexported or retransferred without prior authorization from BXA, i.e., a license, a permissive reexport, another License Exception, or ''No License Required''. This restriction must be conveyed to the consignee, via the Destination Control Statement, see § 758.6 of the EAR. Additionally, the end-use and end-user restrictions in paragraph (d)(3) of this section must be conveyed to any consignee in Computer Tier 3.

(4) You may not use this License Exception to export or reexport items that you know will be used to enhance the CTP beyond the eligibility limit allowed to your country of destination.

(c) *Computer Tier 1*—(1) *Eligible countries.* The countries that are eligible to receive exports under this License Exception include Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Bangladesh, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei, Burkina Faso, Burma, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Czech Republic, Chile, Colombia, Congo, Costa Rica, Cote d'Ivoire, Cyprus, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Gabon, Finland, France, Gambia (The), Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hong Kong, Hungary, Iceland, Indonesia, Ireland, Italy, Jamaica, Japan, Kenya, Kiribati, Korea (Republic of), Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Rwanda, St. Kitts & Nevis, St. Lucia, St. Vincent and Grenadines, Sao Tome & Principe, San Marino, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Surinam, Swaziland, Sweden, Switzerland, Taiwan, Tanzania, Togo, Tonga, Thailand, Trinidad and Tobago, Turkey, Tuvalu, Uganda, United Kingdom, Uruguay, Vatican City, Venezuela, Western Sahara, Western Samoa, Zaire, Zambia, and Zimbabwe.

(2) *Eligible commodities.* All computers, including electronic assemblies and specially designed components therefor are eligible for License Exception CTP to Tier 1 destinations, subject to the restrictions in paragraph (b) of this section.

(d) *Computer Tier 3*—(1) *Eligible countries.* The countries that are eligible to receive exports and reexports under this License Exception are Afghanistan, Albania, Algeria, Andorra, Angola, Armenia, Azerbaijan, Bahrain, Belarus, Bosnia & Herzegovina, Bulgaria, Cambodia, China (People's Republic of), Comoros, Croatia, Djibouti, Egypt, Georgia, India, Israel, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Laos, Latvia, Lebanon, Macau, Macedonia (The Former Yugoslav Republic of), Mauritania, Moldova, Mongolia, Morocco, Oman, Pakistan, Qatar, Russia, Saudi Arabia, Tajikistan, Tunisia, Turkmenistan, Ukraine, United Arab Emirates, Uzbekistan, Vanuatu, Vietnam, Yemen, and Federal Republic of Yugoslavia (Serbia and Montenegro).

(2) *Eligible commodities.* All computers, including electronic assemblies and specially designed components therefor having a CTP less than or equal to 85,000 MTOPS are eligible for License Exception CTP to Tier 3 destinations, subject to the restrictions in paragraphs (b) and (d)(3) of this section.

(3) *Eligible exports.* Only exports and reexports to permitted end-users and end-uses located in countries in Computer Tier 3. License Exception CTP does not authorize exports and reexports to Computer Tier 3 for nuclear, chemical, biological, or missile end-users and end-uses subject to license requirements under § 744.2, § 744.3, § 744.4, and § 744.5 of the EAR. Such exports and reexports will continue to require a license and will be considered on a case-by-case basis. Retransfers to these end-users and end-uses in eligible countries are strictly prohibited without prior authorization.

(e) *Reporting requirements.* See § 743.1 of the EAR for reporting requirements of certain items under License Exception CTP.

§ 740.11 Governments, international organizations, and international inspections under the Chemical Weapons Convention (GOV).

* * * * *

(c) * * *

(2) * * *

(i) Computers with a Composite Theoretical Performance (CTP) greater than 85,000 MTOPS. In addition, computers eligible for this provision of License Exception GOV may not be accessed either physically or computationally by nationals of Cuba, Iran, Iraq, Libya, North Korea, Sudan, or Syria. No MTOPS limit applies to exports or reexports to countries in Tier 1 (see § 740.7(b)(1) of the EAR).

* * * * *

§ 740.16 Additional Permissive Reexports (APR).

* * * * *

(b) *Reexports to and among Country Group A:1 and cooperating countries.* Reexports may be made to and among Country Group A:1 and cooperating countries, provided that eligible commodities are for use or consumption within a Country Group A:1 (see Supplement No. 1 to part 740) or cooperating country, or for reexport

from such country in accordance with other provisions of the EAR. All commodities are eligible except those controlled for nuclear nonproliferation reasons or missile technology reasons.

* * * * *

PART 742—[AMENDED]

10. Section 742.12 is amended by:

(a) Revising paragraph (a)(1);

(b) Revising paragraph (a)(3);

(c) Removing paragraph (b)(3)(i)(C);

(d) Adding a note to paragraph (b)(3)(i);

(e) Revising the phrase ''computers having a CTP greater than 6,500 MTOPS destined to'' to read ''high performance computers destined to'' in paragraph (b)(3)(iii);

(f) Revising paragraphs (b)(3)(iv)(A); and

(g) Adding a note to paragraph (b)(3)(iv)(B), to read as follows:

§ 742.12 High Performance Computers.

(a) *License and recordkeeping requirements.* (1) This section contains special provisions for exports, reexports, and certain intra-country transfers of high performance computers, including software, and technology. This section affects the following ECCNs: 4A001; 4A002; 4A003; 4D001; 4D002; and 4E001. Licenses are required under this section for ECCN's having an ''XP'' under ''Reason for Control'', unless a License Exception is available (see part 740 of the EAR). Post-shipment verification reporting or Wassenaar reporting may be required when exporting or reexporting ''XP'' items under the authorization of a License Exception (See 743.1 of the EAR for Wassenaar reporting requirements and paragraph (b)(3)(iv) of this section for post-shipment verification requirements). License requirements reflected in this section are based on particular destinations, end-users, or end-uses. For the calculation of CTP, see the Technical Note that follows the list of ECCNs for Category 4 in the Commerce Control List. Note that License Exception CTP contains restrictions on access by nationals of certain countries, and on reexports and transfers of computers.

* * * * *

(3) Exporters must keep accurate records of each export to non-Wassenaar member countries (see Supplement No. 1 to part 743 of the EAR) of a computer with a CTP greater than 75,000 MTOPS. These records must be submitted semiannually to BXA and must contain the information as described in § 743.1 of the EAR.

(b) *Licensing policy.* * * *

(3) Computer Tier 3. * * *

(i) * * *

Note to Paragraph (b)(3)(i) of This Section: Exporters are required to obtain a People's Republic of China (PRC) End-User Certificate before exporting computers described by paragraph (b)(3)(i) of this section to the PRC, regardless of value. (See § 748.10(c)(3) of the EAR for information on obtaining the PRC End-User Certificate.)

(iv) *Post-shipment verification.* * * *

(A) Exporters must file post-shipment reports for high performance computer exports, as well as exports of items used to enhance previously exported or reexported computers, where the CTP is greater than 85,000 MTOPS.

(B) * * *

Note to Paragraph (b)(3)(iv)(B) of This Section: Exporters are required to provide the PRC End-User Certificate Number to BXA as part of their post-shipment report (see paragraph (b)(3)(iv) of this section). When providing the PRC End-User Certificate Number to BXA, you must identify the transaction in the post shipment report to which that PRC End-User Certificate Number applies.

* * * * *

PART 743—[AMENDED]

11. Section 743.1 is amended by revising paragraph (c)(2) and, the note to paragraph (c)(2) and adding paragraph (e)(2) to read as follows:

§ 743.1 Wassenaar Arrangement.

* * * * *

(c) *Items for which reports are required.* * * *

(2) Reports for ''digital computers'' and ''electronic assemblies'' controlled under ECCN 4A003.b and .c are required only for computers with a composite theoretical performance (CTP) exceeding 75,000 MTOPS or computer enhancements thereof such that the CTP of the aggregation exceeds 75,000 MTOPS. Records for software controlled by 4D001 are required for software specially designed for the development or production of computers having a CTP exceeding 75,000 MTOPS. For the calculation of CTP, see the Technical Note for Category 4 in the Commerce Control List (Supplement No. 2 to part 774 of the EAR).

Note to Paragraph (c)(2): Reports for exports to Computer Tier 3 destinations (see § 740.7(d)(1) of the EAR) of computers having a CTP level of greater than 85,000 MTOPS, should be reported under the post shipment verification reporting provisions of § 742.12 of the EAR and need not be reported under the Wassenaar reporting provisions in this section of the EAR.

* * * * *

(e) * * *

(2) Reports for ''digital computers'' and ''electronic assemblies'' controlled under ECCN 4A003.b and .c must include the CTP of each computer or aggregation of computing elements in shipment.

PART 748—[AMENDED]

12. Section 748.10 is amended by revising paragraph (b)(3) to read as follows:

§ 748.10 Import and End-User Certificates.

* * * * *

(b) * * *

(3) Your transaction involves an export to the People's Republic of China (PRC) of a computer, regardless of dollar value, that requires a license application.

* * * * *

PART 774—[AMENDED]

13. In Supplement No. 1 to part 774 (the Commerce Control List), Category 4—Computers is amended by revising Export Control Classification Number (ECCN) 4A003; ''License Requirements'' and ''List of Items Controlled'' sections of ECCN 4A001; and the ''License Requirements'' section of ECCNs of 4A002, 4D001, 4D002, and 4E001 to read as follows:

4A001 Electronic computers and related equipment, and ''electronic assemblies'' and specially designed components therefor

License Requirements

Reason for Control: NS, MT, AT, NP, XP

Control(s)	*Country chart*
NS applies to entire entry.	NS Column 2.
MT applies to items in 4A001.a when the parameters in 4A101 are met or exceeded.	MT Column 1.
AT applies to entire entry.	AT Column 1.

NP applies, unless a License Exception is available. See § 742.3(b) of the EAR for information on applicable licensing review policies.

XP applies to electronic computers with a CTP greater than 28,000 MTOPS, unless a License Exception is available. XP controls vary according to destination and end-user and end-use; however, XP does not apply to Canada. See § 742.12 of the EAR for additional information.

License Requirement Notes: See § 743.1 of the EAR for reporting

requirements for exports under License Exceptions.

* * * * *

List of Items Controlled

Unit: Equipment in number; parts and accessories in $ value

Related Controls: See also 4A101 and 4A994. Equipment designed or rated for transient ionizing radiation is subject to the export licensing authority of the U.S. Department of State, Office of Defense Trade Controls. (See 22 CFR part 121.)

Related Definitions: For the purposes of integrated circuits in 4A001.a.2, 5×10^3 Gy(Si) = 5×10^5 Rads (Si); 5×10^6 Gy (Si)/s = 5×10^8 Rads (Si)/s.

Items:

a. Specially designed to have either of the following characteristics:

a.1. Rated for operation at an ambient temperature below 228 K (−45°C) or above 358 K (85°C);

Note: 4A001.a.1. does not apply to computers specially designed for civil automobile or railway train applications.

a.2. Radiation hardened to exceed any of the following specifications:

a.2.a. A total dose of 5×10^3 Gy (Si);

a.2.b. A dose rate upset of 5×10^6 Gy (Si)/s; *or*

a.2.c. Single Event Upset of $1 \times 10–7$ Error/bit/day;

b. Having characteristics or performing functions exceeding the limits in Category 5, Part 2 (''Information Security'').

4A002 ''Hybrid computers'' and ''electronic assemblies'' and specially designed components therefor

License Requirements

Reason for Control: NS, MT, AT, NP, XP

Control(s)	*Country chart*
NS applies to entire entry.	NS Column 2.
MT applies to hybrid computers combined with specially designed ''software'', for modeling, simulation, or design integration of complete rocket systems and unmanned air vehicle systems that are usable in systems controlled for MT reasons.	MT Column 1.
AT applies to entire entry.	AT Column 1.

NP applies, unless a License Exception is available. See § 742.3(b) of the EAR for information on applicable licensing review policies.

XP applies to hybrid computers with a CTP greater than 28,000 MTOPS, unless a License Exception is available. XP controls vary according to destination and end-user and end-use; however, XP does not apply to Canada. See § 742.12 of the EAR for additional information.

* * * * *

4A003 ''Digital computers'', ''electronic assemblies'', and related equipment therefor, and specially designed components therefor

License Requirements

Reason for Control: NS, MT, CC, AT, NP, XP

Control(s)	*Country chart*
NS applies to 4A003.b and .c NS.	Column 1
NS applies to 4A003.a, d, .e, and .g.	NS Column 2
MT applies to digital computers used as ancillary equipment for test facilities and equipment that are controlled by 9B005 or 9B006.	MT Column 1
CC applies to digital computers for computerized fingerprint equipment.	CC Column 1
AT applies to entire entry (refer to 4A994 for controls on digital computers with a CTP ≥ 6 but ≤ to 28,000 MTOPS).	AT Column 1

NP applies, unless a License Exception is available. See § 742.3(b) of the EAR for information on applicable licensing review policies.

XP applies to digital computers with a CTP greater than 28,000 MTOPS, unless a License Exception is available. XP controls vary according to destination and end-user and end-use; however, XP does not apply to Canada. See § 742.12 of the EAR for additional information.

Note: For all destinations, except Cuba, Iran, Iraq, Libya, North Korea, Sudan, Syria, no license is required (NLR) for computers with a CTP not greater than 28,000 MTOPS and for ''electronic assemblies'' described in 4A003.c that are not capable of exceeding a CTP greater than 28,000 MTOPS in aggregation. Computers controlled in this entry for MT reasons are not eligible for NLR.

License Requirement Notes: See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

License Exceptions

LVS: $5000; N/A for MT, b. and .c.

GBS: Yes, for 4A003.d, .e, and .g and specially designed components therefor, exported separately or as part of a system.

CTP: Yes, for computers controlled by 4A003.a or .b, and ''electronic assemblies'' controlled by 4A003.c, to the exclusion of other technical parameters, with the exception of parameters specified as controlled for Missile Technology (MT) concerns and 4A003.e (equipment performing analog-to-digital or digital-to-analog conversions exceeding the limits of 3A001.a.5.a). See § 740.7 of the EAR.

CIV: Yes, for .e, and .g.

List of Items Controlled

Unit: Equipment in number; parts and accessories in $ value

Related Controls: See also 4A994 and 4A980

Related Definitions: N/A

Items:

Note 1: 4A003 includes the following:

a. Vector processors;

b. Array processors;

c. Digital signal processors;

d. Logic processors;

e. Equipment designed for ''image enhancement'';

f. Equipment designed for ''signal processing''.

Note 2: The control status of the ''digital computers'' and related equipment described in 4A003 is determined by the control status of other equipment or systems provided:

a. The ''digital computers'' or related equipment are essential for the operation of the other equipment or systems;

b. The ''digital computers'' or related equipment are not a ''principal element'' of the other equipment or systems; and

N.B. 1: The control status of ''signal processing'' or ''image enhancement'' equipment specially designed for other equipment with functions limited to those required for the other equipment is determined by the control status of the other equipment even if it exceeds the ''principal element'' criterion.

N.B. 2: For the control status of ''digital computers'' or related equipment for telecommunications equipment, see Category 5, Part 1 (Telecommunications).

c. The ''technology'' for the ''digital computers'' and related equipment is determined by 4E.

a. Designed or modified for ''fault tolerance'';

Note: For the purposes of 4A003.a., ''digital computers'' and related equipment are not considered to be designed or modified for ''fault tolerance'' if they utilize any of the following:

1. Error detection or correction algorithms in ''main storage'';

2. The interconnection of two ''digital computers'' so that, if the active central

processing unit fails, an idling but mirroring central processing unit can continue the system's functioning;

3. The interconnection of two central processing units by data channels or by use of shared storage to permit one central processing unit to perform other work until the second central processing unit fails, at which time the first central processing unit takes over in order to continue the system's functioning; or

4. The synchronization of two central processing units by ''software'' so that one central processing unit recognizes when the other central processing unit fails and recovers tasks from the failing unit.

b. ''Digital computers'' having a ''composite theoretical performance'' (''CTP'') exceeding 28,000 million theoretical operations per second (MTOPS);

c. ''Electronic assemblies'' specially designed or modified to be capable of enhancing performance by aggregation of ''computing elements'' (''CEs'') so that the ''CTP'' of the aggregation exceeds the limit in 4A003.b.;

Note 1: 4A003.c applies only to ''electronic assemblies'' and programmable interconnections not exceeding the limit in 4A003.b. when shipped as unintegrated ''electronic assemblies''. It does not apply to ''electronic assemblies'' inherently limited by nature of their design for use as related equipment controlled by 4A003.d, or 4A003.e.

Note 2: 4A003.c does not control ''electronic assemblies'' specially designed for a product or family of products whose maximum configuration does not exceed the limit of 4A003.b.

d. Graphics accelerators and graphics coprocessors exceeding a ''three dimensional Vector Rate'' of 200,000,000;

e. Equipment performing analog-to-digital conversions exceeding the limits in 3A001.a.5;

f. Reserved.

g. Equipment specially designed to provide external interconnection of ''digital computers'' or associated equipment that allows communications at data rates exceeding 1.25 Gbyte/s.

Note: 4A003.g does not control internal interconnection equipment (e.g., backplanes, buses) passive interconnection equipment, ''network access controllers'' or ''communication channel controllers''.

* * * * *

4D001 ''Software'' Specially Designed or Modified for the ''Development'', ''Production'' or ''Use'' of Equipment or ''Software'' Controlled by 4A001 to 4A004, or 4D (Except 4D980, 4D993 or 4D994)

License Requirements

Reason for Control: NS, MT, CC, AT, NP, XP

Control(s)	*Country chart*
NS applies to ''software'' for commodities or software controlled by 4A001 to 4A004, 4D001 to 4D003.	NS Column 1.
MT applies to ''software'' for equipment controlled by 4A001 to 4A003 for MT reasons.	MT Column 1.
CC applies to ''software'' for computerized finger-print equipment controlled by 4A003 for CC reasons.	CC Column 1.
AT applies to entire entry.	AT Column 1.

NP applies, unless a License Exception is available. See § 742.3(b) of the EAR for information on applicable licensing review policies.

XP applies to ''software'' for computers with a CTP greater than 28,000 MTOPS, unless a License Exception is available. XP controls vary according to destination and end-user and end-use; however, XP does not apply to Canada. See § 742.12 of the EAR for additional information.

License Requirement Notes: See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

* * * * *

4D002 ''Software'' Specially Designed or Modified to Support ''Technology'' Controlled by 4E (Except 4E980, 4E992, and 4E993)

License Requirements

Reason for Control: NS, MT, AT, NP, XP

Control(s)	*Country chart*
NS applies to entire entry.	NS Column 1.
MT applies to ''software'' for equipment controlled by 4E for MT reasons.	MT Column 1.
AT applies to entire entry.	AT Column 1.

NP applies, unless a License Exception is available. See § 742.3(b) of the EAR for information on applicable licensing review policies.

XP applies to ''software'' for computers with a CTP greater than 28,000 MTOPS, unless a License Exception is available. XP controls vary according to destination and end-user and end-use; however, XP does not apply to Canada. See § 742.12 of the EAR for additional information.

* * * * *

4E001 ''Technology'' According to the General Technology Note, for the ''Development'', ''Production'' or ''Use'' of Equipment or ''Software'' Controlled by 4A (Except 4A980, 4A993 or 4A994) or 4D (Except 4D980, 4D993, 4D994).

License Requirements

Reason for Control: NS, MT, CC, AT, NP, XP

Control(s)	*Country chart*
NS applies to ''technology'' for commodities or software controlled by 4A001 to 4A004, 4D001 to 4D003.	NS Column 1.
MT applies to ''technology'' for items controlled by 4A001 to 4A003 4A101, 4D001, 4D102 or 4D002 for MT reasons.	MT Column 1.
CC applies to ''technology'' for computerized fingerprint equipment controlled by 4A003 for CC reasons.	CC Column 1.
AT applies to entire entry.	AT Column 1.

NP applies, unless a License Exception is available. See § 742.3(b) of the EAR for information on applicable licensing review policies.

XP applies to ''technology'' for computers with a CTP greater than 28,000 MTOPS, unless a License Exception is available. XP controls vary according to destination and end-user and end-use, however, XP does not apply to Canada. See § 742.12 of the EAR for additional information.

License Requirement Notes: See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

* * * * *

Dated: March 5, 2002.

James J. Jochum,

Assistant Secretary for Export Administration.

[FR Doc. 02–5563 Filed 3–5–02; 4:04 pm]

BILLING CODE 3510–33–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Tampa 01–097]

RIN 2115–AA97

Security Zones; Port of Tampa, Tampa, Florida

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary security zones of 100 yards around cruise ships moored in the Port of Tampa, Florida. The purpose of these security zones is to safeguard the public and ports from destruction, loss, or injury from sabotage or other subversive acts. No person or vessel may enter security zones without permission from the Captain of the Port, Tampa, Florida or his designated representative.

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 Tampa 01–097 and are available for inspection or copying at Marine Safety Office Tampa, 155 Columbia Drive, Tampa, Florida 33606–3598 between 7:30 a.m. and 3 p.m. Monday through Friday, except Federal holidays.

DATES: This regulation is effective from 6 p.m. on September 26, 2001 until 6 p.m. on June 15, 2002.

FOR FURTHER INFORMATION CONTACT: LT David McClellan, Coast Guard Marine Safety Office Tampa, at (813) 228–2189.

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 and delaying its effective date would be contrary to the public interest since immediate action is needed to protect the public, ports and waterways of the United States. The Coast Guard will issue a broadcast notice to mariners and place Coast Guard vessels in the vicinity of these zones to advise mariners of the restriction.

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**.

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 sabotage or other subversive activity could be launched by vessels or persons in close proximity to the Port of Tampa, Florida, moored cruise vessels or cruise ship terminals. The purpose of these security zones is to safeguard the public and ports from sabotage or other subversive acts.

Coast Guard and local police department patrol vessels will be on scene to monitor traffic through these areas. Entry into these security zones is prohibited, unless specifically authorized by the Captain of the Port, Tampa, Florida. The Captain of the Port will notify the public via Marine Safety Radio Broadcast on VHF Marine Band Radio, Channels 13 and 16 (157.1 MHz) of all active security zones in port by identifying the names of the vessels around which they are centered.

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 the zones only extends 100 yards around moored cruise ships and vessels may be allowed to enter the zones with the permission of the Captain of the Port of Tampa.

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.

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 small entities may be allowed to enter on a case by case basis with the authorization of the Captain of the Port.

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 can 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 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 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 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. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

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), Reports 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.T07–170 is added to read as follows:

§ 165.T07–170 Security Zones; Port of Tampa, Tampa Florida.

(a) *Regulated area.* Temporary security zones are established 100 yards around moored cruise ships in Tampa, Florida. No vessel shall be allowed within 100 yards of the moored cruise ship without permission from the Coast Guard.

(b) *Regulations.* In accordance with the general regulations in § 165.33 of this part, entry into these zones is prohibited except as authorized by the Captain of the Port, or a Coast Guard commissioned, warrant, or petty officer designated by him. The Captain of the Port will notify the public via Marine Safety Radio Broadcast on VHF Marine Band Radio, Channels 13 and 16 (157.1 MHz) of all active security zones in port by identifying the names of the vessels around which they are centered.

(c) *Dates.* This section is effective from 6 p.m. on September 26, 2001 until 6 p.m. on June 15, 2002.

Dated: September 26, 2001.

A.L. Thompson, Jr.,

Captain, U.S. Coast Guard, Captain of the Port Tampa, Florida.

[FR Doc. 02–5465 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 36

RIN 2900–AJ86

Loan Guaranty: Advertising and Solicitation Requirements; Correction

AGENCY: Department of Veterans Affairs.

ACTION: Final rule; correction.

SUMMARY: In a document published in the **Federal Register** on March 1, 2002 (67 FR 9402), we amended VA's loan guaranty regulations by prohibiting advertisements or solicitations from lenders that falsely state or imply that they were issued by or at the direction of VA or any other entity of the United States Government. The document contains a typographical error in the ''Approved'' date section. This document corrects that typographical error.

EFFECTIVE DATE: This correction is effective March 1, 2002.

FOR FURTHER INFORMATION CONTACT: R.D. Finneran, Assistant Director for Loan Policy and Valuation (262), Loan guaranty Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–7368.

SUPPLEMENTARY INFORMATION: In rule FR Doc. 02–4866, published on March 1, 2002 (67 FR 9402), on page 9402, in column 3, the date ''December 3, 2002'' is corrected to read ''December 3, 2001''.

Approved: March 1, 2002.

Thomas O. Gessel,

Director, Office of Regulatory Law.

[FR Doc. 02–5661 Filed 3–7–02; 8:45 am]

BILLING CODE 8320–01–M

POSTAL SERVICE

39 CFR Part 111

Domestic Mail Manual Changes for Bedloaded Bundles of Periodicals

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service is eliminating the option in the Domestic Mail Manual that allows mailers to bedload bundles (more than one package strapped together) of Periodicals flat-size mail.

EFFECTIVE DATE: March 31, 2002.

FOR FURTHER INFORMATION CONTACT: Anne Emmerth at (703) 292–3641.

SUPPLEMENTARY INFORMATION: On December 20, 2001, the Postal Service published a proposed rule in the **Federal Register** (66 FR 65668) soliciting comments on a proposal to delete the standards in the *Domestic Mail Manual* (DMM) that allow bundles (more than one package strapped together) of Periodicals flat-size mail to be bedloaded instead of placed in sacks or on pallets.

Current DMM M210.5.0 and M220.5.0 allow authorized mailers to place packages of Presorted rate and carrier route rate Periodicals flats directly into a truck or trailer if the packages are secured together into bundles containing a minimum of 20 pounds of mail (instead of sacking or palletizing those packages). Such preparation is optional and requires Postal Service authorization from Business Mailer Support at Headquarters.

Postal Service records indicate that there are no mailers who are preparing mail in this manner.

We received no comments opposing the proposal and one comment in support of eliminating this mail preparation option. The commenter, a large commercial printer, supports the Postal Service's efforts to streamline

mail processing operations and reduce overall costs.

Because of the response received, and because bedloaded bundles are generally not cost-efficient for the Postal Service to handle and process, the Postal Service is removing the option to prepare Periodicals flats as bedloaded bundles. Effective March 31, 2002, all Periodicals flats must be prepared in sacks or on pallets.

This change does not apply to mailers who transport packages of Periodicals to destination delivery units under exceptional dispatch.

For the reasons discussed above, the Postal Service hereby adopts the following amendments to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations (see 39 CFR part 111).

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

2. Amend the following sections of the Domestic Mail Manual (DMM) as set forth below:

M Mail Preparation and Sortation

M000 General Preparation Standards

M010 Mailpieces

M011 Basic Standards

1.0 Terms and Conditions

* * * * *

1.3 Preparation Instructions

[Delete item z, which defines a ''bundle.'' Renumber items aa through ac as items z through ab, respectively.]

* * * * *

M013 Optional Endorsement Lines

1.0 Use

1.1 Basic Standards

[Revise 1.1 by deleting the entry for SCF.]

* * * * *

M200 Periodicals (Nonautomation)

M210 Presorted Rates

* * * * *

[Delete section 5.0, Bedloaded Bundles (Flat-Size Pieces). Renumber section 6.0 as 5.0.]

* * * * *

M220 Carrier Route Rates

* * * * *

[Delete section 5.0, Bedloaded Bundles (Flat-Size Pieces). Renumber section 6.0 as 5.0.]

* * * * *

This change will be published in a future issue of the Domestic Mail Manual. An appropriate amendment to 39 CFR 111 to reflect these changes will be published.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 02–5657 Filed 3–7–02; 8:45 am]

BILLING CODE 7710–12–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[IN139–1a; FRL–7155–3]

Approval and Promulgation of State Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving a negative declaration submitted by the State of Indiana which indicates that the State does not need regulations covering existing Small Municipal Waste Combustors (MWC) units. Indiana submitted its negative declaration regarding this category of sources in letters dated November 7, 2001, and December 3, 2001. The declaration was based on a systematic search of the State's internal databases, which resulted in the determination that there are no affected small MWC units in Indiana.

DATES: This rule is effective on May 7, 2002, unless EPA receives adverse written comments by April 8, 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 should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

A copy of the negative declaration is available for inspection at the U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone John Paskevicz at (312) 886–6084 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: John Paskevicz, Environmental Engineer, Regulation Development Section, Air Programs Branch (AR–18J), EPA, Region 5, Chicago, Illinois 60604, (312) 886–6084.

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

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I. What Is the Background for This Action?
II. Negative Declarations and Their Justification.
III. EPA Review of Indiana's Negative Declaration.
IV. Administrative Requirements.

I. What is the Background for This Action?

On December 6, 2000, the EPA finalized a rule for small MWC units. EPA promulgated this rule based on sections 111(d) and 129 of the Clean Air Act (Act) Amendments of 1990. The federal rule includes emission guidelines for existing units and standards of performance for new, modified or reconstructed sources. EPA published the rule for existing small MWC units in the **Federal Register** on December 6, 2000, (65 FR 76378), to be codified at 40 CFR part 60, subpart BBBB (Emission Guidelines for Small Municipal Waste Combustion Units.) EPA published rules for new, modified and reconstructed small MWC units in the **Federal Register** on December 6, 2000, (65 FR 76350), to be codified at 40 CFR part 60, subpart AAAA (New Source Performance Standards for New Small Municipal Waste Combustion Units). The regulatory text and other background information for these final rulemakings can be accessed electronically from the EPA Technology Transfer Network website. For small MWC the website address is: *http://www.epa.gov/ttn/atw/129/mwc/rimwc2.html*

Sections 111(d) and 129 of the Act require States in which a designated existing facility is operating one or more small MWC units to submit to EPA a plan to implement and enforce the emission guidelines. If, however, there are no small MWC units and the State therefore chooses not to develop and submit such a plan, it must submit a negative declaration letter. (40 CFR 60.1510, 62.06.) Section 129 of the Act requires that the State plan be at least as protective as the emission guidelines and must provide for compliance by the affected facilities no later than 3 years after EPA approves the State plan, but no later than 5 years after EPA promulgates the emission guidelines. Sections 111(d) and 129 of the Act also require EPA to develop, implement and

enforce a Federal Implementation Plan if a State fails to submit an approvable State plan. The small MWC plan must address regulatory applicability, increments of progress for retrofit, operator training and certification, operating practices, emission limits, continuous emission monitoring, stack testing, record keeping, and reporting, and requirements for air curtain combustors. States are required to follow the requirements of 40 CFR part 60, subpart B, and 40 CFR part 62, regarding the adoption and submittal of State plans for designated facilities.

In addition to the publication of the emission guidelines document, EPA notified each of the States of the requirements listed in the rule. On February 23, 2001, EPA, Region 5 asked Indiana to provide information so EPA could determine if the State was required to develop and submit the required plan. The State began a detailed review of its internal databases at the Office of Land Quality to ascertain the status of small MWC facilities. This effort resulted in a determination there were no small MWC units and culminated in the State's request for a negative declaration.

II. Negative Declarations and Their Justification

The EPA does not require States to develop plans or regulations to control emissions from sources for which there are none present in the State (40 CFR 62.06). If the State thinks that there may be some small MWC units in operation, it should examine available records on these sources before initiating the planning and regulation development process. If after a careful examination of available information, the State finds no sources for this source category, then it may prepare and submit to EPA a negative declaration stating there are no sources in the State which match this source category. This is done in lieu of submitting a control strategy.

On November 7, 2001, the State of Indiana submitted to EPA a negative declaration regarding the need for a regulation covering small MWC units. The State supplemented this submission on December 3, 2001. The Indiana Department of Environmental Management (IDEM) reviewed its Office of Land Quality rules, 329 IAC 11–17–1, which call for permits for solid waste processing facilities. IDEM evaluated the applicability criteria in the final emission guidelines (40 CFR part 60, subpart BBBB, 40 CFR 60.1550 through 60.1565) and searched a database containing the applicable records. Three facilities were identified but found to be either a ''major source'' and thus subject to the large MWC emission guideline at 40 CFR part 60, subpart Cb, or a source subject to the Hospital and Medical Infectious Waste Incinerator (HMIWI) rule at 40 CFR part 60, subpart Ce. These sources are referenced by the State in its letter submitting the negative declaration.

The State also searched a second database as a source of information on small MWC units. This database is part of the State's Office of Air Quality emission reporting system developed under Indiana emission reporting rule, 326 IAC 2–6, and contains emission information for sources at the process level. Indiana searched in this database by Source Classification Codes (SCC) for solid waste or refuse-derived fuel combustion processes. The SCCs selected included 101–012–02, 103–012–02, and 501–001–01 through 501–001–05. They identified only sources that are subject to the large MWC and HMIWI emission guidelines. No small MWC sources sizes were found. Based on this search, the IDEM concluded that there are no affected small MWC units in Indiana.

This conclusion is consistent with an inventory review conducted in May 1998 by EPA Regional Offices and State air pollution control agencies. Those agencies did not find any small MWC units in Indiana.

III. EPA Review of Indiana's Negative Declaration

EPA has examined the State's negative declaration regarding the lack of need for a regulation controlling emissions from small MWC units. EPA agrees that, at this time, there appear to be no unregulated small incinerators in Indiana which would require the adoption of rules to control this source category. If a new source chooses to construct in Indiana, it would be required to comply with new source performance standard requirements published for small MWC units on December 6, 2000 (65 FR 76350). If, at a later date, an existing small MWC unit is identified in the State, the Federal plan implementing the emission guidelines contained in subpart BBBB will automatically apply to that MWC unit until the State develops a plan and EPA approves it. 40 CFR 60.1530.

EPA is publishing this action without prior proposal because EPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the State's negative declaration should adverse written comments be filed. This action will be effective without further notice unless EPA receives relevant adverse written comment by April 8, 2002. Should EPA receive such comments, it will publish a final rule informing the public that this action will not take effect. Any parties interested in commenting on this action should do so at this time. If no comments are received, the public is advised that this action will be effective on May 7, 2002.

IV. 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. 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 Indiana's declaration that there are no small MWC's located in Indiana which would be subject to an MWC regulation if one were adopted. Therefore, the State does not need to adopt a MWC regulation. Any new MWC's built in Indiana will be subject to New Source Performance Standards. 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). 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 declaration that a rule implementing a federal standard, is unnecessary and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. 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 a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. 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.*).

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**. 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 May 7, 2002 unless EPA receives adverse written comments by April 8, 2002.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 7, 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 in 40 CFR Part 62

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

Dated: February 28, 2002.

Norman Niedergang,

Acting Regional Administrator, Region 5.

For the reasons stated in the preamble, part 62, 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 P—Indiana

2. A new center heading and § 62.3645 are added to read as follows:

Emissions From Small Municipal Waste Combustion Units With the Capacity to Combust at Least 35 Tons Per Day of Municipal Solid Waste But No More Than 250 Tons Per Day of Municipal Solid Waste and Commenced Construction on or Before Aust 30, 1999

§ 62.3645 Identification of plan—negative declaration.

On November 7, 2001, and December 3, 2001, the State of Indiana certified to the satisfaction of the United States Environmental Protection Agency that no sources categorized as small Municipal Waste Combustors are located in the State of Indiana.

[FR Doc. 02–5598 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301219; FRL–6827–1]

RIN 2070–AB78]

2,4-D; Time-Limited Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation extending the time-limited tolerance for residues of 2,4-D in or on soybeans. Industry Task Force II on 2,4-D Research Data requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act (FQPA) of 1996. The tolerance will expire on December 31, 2004.

DATES: This regulation is effective March 8, 2002. Objections and requests for hearings, identified by docket control number OPP–301219 must be received by EPA on or before May 7, 2002.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301219 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Joanne I. Miller, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–6224; and e-mail address: miller.joanne@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS Codes	Examples of Potentially Affected Entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action

to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents''. You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. A frequently updated electronic version of 40 CFR part 180 is available at http://www.access.gpo.gov/nara/cfr/cfrhtml_180/Title_40/40cfr180_00.html, a beta site currently under development.

2. *In person*. The Agency has established an official record for this action under docket control number OPP–301219. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of October 24, 2001 (66 FR 53791) (FRL–6803–5), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the FQPA (Public Law 104–170) announcing the filing of a pesticide petition (PP) for tolerance by the Industry Task Force II on 2,4-D Research Data, McKenna and Cuneo, 1900 K Street, NW., Washington, DC 20006–1108. This notice included a summary of the petition prepared by Industry Task Force II on 2,4-D Research Data, the registrant. The Agency received one public comment in response to this notice from the World Wildlife Fund (WWF) in a letter from K. Thayer et al dated November 21, 2001 (Docket No. PF–1045). The WWF's comment concerned the size of the FQPA Safety Factor and are further discussed in the Safety Factor for Infants and Children section below.

The petition requested that 40 CFR 180.142 be amended by extending the time-limited tolerance for residues of the herbicide 2,4-D, 2,4-dichlorophenoxyacetic acid, in or on soybeans at 0.02 part per million (ppm). The tolerance will expire on December 31, 2004.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe''. Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information''. This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances November 26, 1997 (62 FR 62961) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a tolerance for residues of 2,4-D on soybeans at 0.02 ppm. EPA's assessment of exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by 2,4-D are discussed below as well as the no observed adverse effect level (NOAEL) and the lowest observed adverse effect level (LOAEL) from the toxicity studies reviewed.

An oral LD_{50} of 2,4-D acid is 699 milligrams/kilograms (mg/kg) in the rat. The dermal LD_{50} in the rabbit is > 2,000 mg/kg. The acute inhalation LC_{50} in the rat is > 1.8 mg/liter. A primary eye irritation study in the rabbit showed severe irritation. A dermal irritation study in the rabbit showed moderate irritation. A dermal sensitization study in the guinea pig showed no skin sensitization. An acute neurotoxicity study in the rat produced a NOAEL of 227 mg/kg for systemic toxicity and a neurobehavioral NOAEL of 67 mg/kg with a LOAEL of 227 mg/kg.

Mutagenicity studies including gene mutation, chromosomal aberrations, and direct DNA damage tests were negative for mutagenic effects.

A 2–generation reproduction study was conducted in rats with NOAELs for parental and developmental toxicity of 5 mg/kg/day. The LOAELs for this study are established at 20 mg/kg/ day based on reductions in body weight gain in F_0 and F_{2b} pups, and reduction in pup weight at birth and during lactation. A teratology study in rabbits given gavage doses at 0, 10, 30, and 90 mg/kg on days 6 through 18 of gestation was negative for developmental toxicity at all doses tested. A teratology study in rats given gavage doses at 0, 8, 25, and 75 mg/kg on days 6 through 15 of gestation was negative for developmental toxicity at all doses tested. A NOAEL for fetotoxicity was established at 25 mg/kg/day based on delayed ossification at the 75 mg/kg dose level. The effects on pups occurred in the presence of parental toxicity.

A subchronic dietary study was conducted with mice fed diets containing 0, 1, 15, 100, and 300 mg/kg/day with a NOAEL of 15 mg/kg/day. The LOAEL was established at 100 mg/kg/day based on decreased glucose and thyroxine levels, increases in absolute and relative kidney weights, and histopathological lesions in the liver and kidneys. A 90–day dietary study in

rats fed diets containing 0, 1, 15, 100, or 300 mg/kg/day resulted in a NOAEL of 15 mg/kg/day and a LOAEL of 100 mg/kg/day. The LOAEL was based on decreases in body weight and food consumption, alteration in clinical pathology, changes in organ weights, and histopathological lesions in the kidney, liver, and adrenal glands of both sexes of rats. A 90–day feeding study was conducted in dogs fed diets containing 0, 0.3, 1, 3, and 10 mg/kg/day with a NOAEL of 1 mg/kg/day. The LOAEL was established at 3 mg/kg/day based on histopathological changes in the kidneys of male dogs.

A 1–year dietary study was conducted in the dog using doses of 0, 1, 5, and 7.5 mg/kg/day. The NOAEL was 1 mg/kg/day and the LOAEL was 5 mg/kg/day based on clinical chemistry changes and histopathological lesions in the liver and kidney. A 2–year feeding/carcinogenicity study was conducted in mice fed diets containing 0, 1, 15, and 45 mg/kg/day with a NOAEL of 1 mg/kg/day. The systemic LOAEL was established at 15 mg/kg/day based on increased kidney and adrenal weights and homogeneity of renal tubular epithelium due to cytoplasmic vacuoles. No carcinogenic effects were observed under the conditions of the study at any dosage level tested. A second 2–year oncogenicity study was conducted in mice fed diets containing 0, 5, 62.5, and 125 mg/kg/day (males) and 0, 5, 150, and 300 mg/kg/day (females). No treatment-related oncogenicity was observed. A 2–year feeding/carcinogenicity study was conducted in rats fed diets containing 0, 1, 15, and 45 mg/kg/day with a NOAEL of 1 mg kg/day. Although there appeared to be a slight treatment-related incidence of benign brain tumors (astrocytomas) in male rats fed diets containing 45 mg/kg/day, two different statistical evaluations found no strong statistical evidence of carcinogenicity in male rats. There were no carcinogenic effects observed in female rats. A second 2–year feeding/carcinogenicity study was conducted in rats fed diets containing 0, 5, 75, and 150 mg/kg/day. The NOAEL was 5 mg/kg/day and the LOAEL was 75 mg/kg/day based on decreased body weight, body weight gain, and food consumption; clinical chemistry changes; organ weight changes and histopathological lesions. No treatment-related carcinogenic effects or increased incidences of astrocytomas were observed.

The metabolism of phenyl ring labeled ^{14}C–2,4-D was studied in the rat following a single intravenous or oral dose of approximately 1 mg/kg/day. At 48 hours after treatment, recovery of radioactivity in urine was in excess of 98%. Parent 2,4-D was the major metabolite (72.9% to 90.5%) found in the urine.

B. Toxicological Endpoints

The dose at which the NOAEL from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified, is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intra species differences.

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (acute RfD or chronic RfD) where the RfD is equal to the NOAEL divided by the appropriate UF (RfD = NOAEL/UF). Where an additional safety factor is retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the refrence dose (RfD) by such additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA Safety Factor.

For non-dietary risk assessments (other than cancer) the UF is used to determine the LOC. For example, when 100 is the appropriate UF (10X to account for interspecies differences and 10X for intraspecies differences) the LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = NOAEL/exposure) is calculated and compared to the LOC.

The linear default risk methodology (Q^*) is the primary method currently used by the Agency to quantify carcinogenic risk. The Q^* approach assumes that any amount of exposure will lead to some degree of cancer risk. A Q^* is calculated and used to estimate risk which represents a probability of occurrence of additional cancer cases (e.g., risk is expressed as 1×10^{-6} or one in a million). Under certain specific circumstances, MOE calculations will be used for the carcinogenic risk assessment. In this non-linear approach, a ''point of departure'' is identified below which carcinogenic effects are not expected. The point of departure is typically a NOAEL based on an endpoint related to cancer effects though it may be a different value derived from the dose response curve. To estimate risk, a ratio of the point of departure to exposure (MOE_{cancer} = point of departure/exposures) is calculated. A summary of the toxicological endpoints for 2,4-D used for human risk assessment is shown in the following Table 1.

TABLE 1.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR 2,4-D FOR USE IN HUMAN RISK ASSESSMENT

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA* SF and Endpoint for Risk Assessment	Study and Toxicological Effects
Acute Dietary (females 13–50 years of age)	NOAEL = 25 mg/kg/day UF = 100 Acute RfD = 0.25 mg/kg/day	FQPA SF = 3 aPAD = 0.083 mg/kg/day	LOAEL = 75 mg/kg/day based on skeletal variations, reduced ossification of the vertebral arches, and unossified sternebrae observed in the prenatal developmental study in rats
Acute Dietary (general population including infants and children)	NOAEL = 67 mg/kg/day UF = 100 Acute RfD = 0.67 mg/kg/day	FQPA SF = 3 aPAD = 0.22 mg/kg/day	LOAEL = 227 mg/kg/day based on increased incidence of incoordination and slight gait abnormalities in both sexes on Day 1 FOB measurements in the acute neurotoxicity study in rats

TABLE 1.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR 2,4-D FOR USE IN HUMAN RISK ASSESSMENT—Continued

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA* SF and Endpoint for Risk Assessment	Study and Toxicological Effects
Chronic Dietary (all Populations)	NOAEL = 1 mg/kg/day UF = 100 Chronic RfD = 0.01 mg/kg/day	FQPA SF = 3 cPAD = 0.0033 mg/kg/day	LOAEL = 5 mg/kg/day based on alterations in serum chemistry with corroborative histopathological lesions in the liver and kidneys in the chronic dog study
Short-Term Incidental Oral (1 day to 1 month)	NOAEL = 25 mg/kg/day UF = 100	FQPA SF = 3 LOC for MOE = 300	LOAEL = 75 mg/kg/day based on non-significant decrease in body weight gain during the dosing period (maternal effects) in the rat developmental study
Intermediate-Term Incidental Oral (1 month to 6 months)	NOAEL = 1 mg/kg/day UF = 100	FQPA SF = 3 LOC for MOE = 300	LOAEL = 5 mg/kg/day (see chronic dietary)
Short-Term Dermal (1 day to 1 month)	NOAEL = 25 mg/kg/day UF = 100 Dermal absorption rate = 5.8%	FQPA SF = 3 (residential) LOC for MOE = 300 (residential) LOC for MOE = 100 (worker)	LOAEL = 75 mg/kg/day (see acute dietary f 13-50)
Intermediate-Term Dermal (1 month to 6 months)	NOAEL = 1 mg/kg/day UF = 100 Dermal absorption rate = 5.8%	FQPA SF = 3 (residential) LOC for MOE = 300 (residential) LOC for MOE = 100 (worker)	LOAEL = 5 mg/kg/day (see chronic dietary)
Short- and Intermediate-Term Inhalation	N/A	N/A	Not required based on $LC_{50} \leq 1.79$ mg/L and Toxicity Category III
Cancer	N/A	N/A	Classified as a Group D chemical (not classifiable as to human carcinogenicity)

*The reference to the FQPA Safety Factor refers to any additional safety factor retained due to concerns unique to the FQPA.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Tolerances have been established (40 CFR 180.142) for the residues of 2,4-D, in or on a variety of raw agricultural commodities. A time limited tolerance of 0.1 ppm was previously established for residues of 2,4-D on soybeans resulting from the preplant use of 2,4-D ester or amine 40 CFR 180.142(a)(11). In order for EPA to recommend favorably for the establishment of permanent tolerances on soybeans, additional field trial data and processing data were required. In response, the Industry Task Force II on 2,4-D Research Data (Task Force II) submitted field residue data on soybeans. EPA has reviewed these data and concluded that a temporary tolerance of 0.02 ppm is appropriate for soybean. Task Force II has thus proposed to extend the soybean tolerance to December 31, 2004 at a level of 0.02 ppm. Risk assessments were conducted by EPA to assess dietary exposures from 2,4-D in food as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. The Dietary Exposure Evaluation Model (DEEM®) analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the acute exposure assessments: The acute exposure analysis for all subgroups was performed using tolerance-level residues (with the exception of anticipated residues on citrus) and 100 percent crop treated. Using these assumptions, acute dietary exposure from food to 2,4-D will occupy 7.3% of the acute population adjusted dose (aPAD) for the U.S. population, 12% of the aPAD for females 13 years and older, 9.4% of the aPAD for infants less than 1 year old, 12% of the aPAD for children 1 – 6 years old, and 8.8% of the aPAD for children 7 – 12 years old.

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment the DEEM® analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the chronic exposure assessments: The chronic exposure analysis for all subgroups was performed using anticipated residues on the most highly consumed food items (and tolerance-level residues on the remaining food items) and percent crop treated data for various crops. Using these assumptions, chronic dietary exposure to 2,4-D from food will utilize 24% of the chronic popolation adjusted dose (cPAD) for the U.S. population, 20% for females 13 years and older, 19% of the cPAD for infants less than 1 year old, 46% of the cPAD for children 1 – 6 years old, and 36% of the cPAD for children 7 – 12 years old.

Section 408(b)(2)(E) authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide chemicals that have been measured in food. If EPA relies on such information, EPA must require that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. Following the initial data submission, EPA is authorized to

require similar data on a time frame it deems appropriate. As required by section 408(b)(2)(E), EPA will issue a data call-in for information relating to anticipated residues to be submitted no later than 5 years from the date of issuance of this tolerance.

Section 408(b)(2)(F) states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if the Agency can make the following findings: Condition 1, that the data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain such pesticide residue; Condition 2, that the exposure estimate does not underestimate exposure for any significant subpopulation group; and Condition 3, if data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area. In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of percent crop treated (PCT) as required by section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency used percent crop treated (PCT) information as follows.

Crop	Percent crop treated
Asparagus	13
Barley	37
Corn (pop)	15
Corn (sweet)	9
Barley	37
Grapefruit	2
Lemons	1
Oats	15
Oranges	4
Rice	14
Rye	1
Sorghum	13
Sugarcane	35
Tangerines	4
Wheat	34
Wheat germ oil	55

The Agency believes that the three conditions listed above have been met. With respect to Condition 1, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. EPA uses a weighted average PCT for chronic dietary exposure estimates. This weighted average PCT figure is derived by averaging State-level data for a period of up to 10 years, and weighting for the more robust and recent data. A weighted average of the PCT reasonably represents a person's dietary exposure over a lifetime, and is unlikely to underestimate exposure to an individual because of the fact that pesticide use patterns (both regionally and nationally) tend to change continuously over time, such that an individual is unlikely to be exposed to more than the average PCT over a lifetime. For acute dietary exposure estimates, EPA uses an estimated maximum PCT. The exposure estimates resulting from this approach reasonably represent the highest levels to which an individual could be exposed, and are unlikely to underestimate an individual's acute dietary exposure. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation. As to Conditions 2 and 3, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available information on the regional consumption of food to which 2,4-D may be applied in a particular area.

2. *Dietary exposure from drinking water*. Information is available from the U.S. Geological Survey (USGS) National Water Quality Assessment (NAWQA) program concerning residues of 2,4-D in water. Regarding groundwater, USGS-NAWQA monitoring data indicate a maximum 2,4-D concentration in groundwater of 14.8 ppb. Therefore, the exposure value of 14.8 ppb will be used in both the chronic aggregate risk and acute aggregate risk assessments for groundwater. Regarding surface water, an assessment of USGS-NAWQA monitoring data indicate a maximum ambient 2,4-D concentration of 15.0 ppb in rivers and streams. Therefore, the exposure value of 15 ppb will be used for chronic aggregate risk assessment for surface water. For acute aggregate risk assessment for surface water, however, calculations indicate that direct water application of 2,4-D will yield the highest water concentrations for all labeled 2,4-D use patterns. The value for the water concentrations calculated from direct water application of 2,4-D is 1,561 ppb; therefore, the exposure value of 1,561 ppb will be used in acute aggregate risk assessment for surface water.

Drinking water levels of comparison (DWLOCs) are calculated and used as a point of comparison against the estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, and from residential uses. Since DWLOCs address total aggregate exposure to 2,4-D, they are further discussed in the aggregate risk sections below.

3. *From non-dietary exposure*. The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

2,4-D is currently registered for use on the following residential non-dietary sites: ornamental turf, lawns, and grasses, golf course turf, recreational areas, and several other indoor and outdoor uses. The risk assessment was conducted using the following residential exposure assumptions: There are chemical-specific and site-specific data available to determine the potential risks associated with residential exposures from the registered uses of 2,4-D. Dislodgeable residues of 2,4-D taken during exposure sessions showed a rapid decline from 1 hour following application (8%) to 24 hours following applications (1%). No detectable residues were found in urine samples supplied by volunteers exposed to sprayed turf 24 hours following application. Intermediate-term postapplication exposure is thus not expected. The following assessments are based on the available chemical specific data.

i. *Chronic exposure and risk*. Although a chronic endpoint was chosen, this risk assessment was not conducted because there is no chronic exposure scenario for this use.

ii. *Short- and intermediate-term exposure and risk*. For short-term dermal margin of exposure (MOE) calculations, EPA used the maternal NOAEL of 30 mg/kg/day from the oral developmental toxicity study in rabbits. The LOAEL of 90 mg/kg/day was based on abortions, clinical signs (ataxia, decreased motor activity, and cold extremities during gestation), and decreased body weight gain. For acute toxicity, EPA reduced the FQPA factor of 10 to 3 for females 13+ and removed the FQPA factor for all other population subgroups. As the short-term and acute endpoints are based on the oral developmental toxicity study, this decision is also applicable to the short-

term, nonoccupational assessment. Therefore, based on this recommendation, the MOE needed for females 13+ is 300. Since there are no intermediate residential exposures, intermediate risk assessment is not required.

4. *Cumulative exposure to substances with a common mechanism of toxicity*. Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA does not have, at this time, available data to determine whether 2,4-D has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, 2,4-D does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that 2,4-D has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Safety Factor for Infants and Children

1. *Safety factor for infants and children*—i. *In general*. FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a MOE analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

ii. *Prenatal and postnatal sensitivity*. The toxicological data base for evaluating prenatal and postnatal toxicity for 2,4-D is complete with respect to current data requirements. There are no prenatal toxicity concerns for infants and children based on the lack of evidence of quantitative or qualitative increased susceptibility in the prenatal developmental toxicity studies in rats and rabbits or in the 2-generation reproduction study in rats.

The WWF commented that the 10x FQPA Safety Factor should be retained based on two rationales: (1) Evidence of quantitative susceptibility in the developmental rat study and (2) evidence of qualitative susceptibility because it is a thyroid endocrine disruptor. Therefore, the Agency has reevaluated the results of the developmental toxicity study in rats to assess the potential for increased susceptibility to infants and children following exposure to 2,4-D.

Regarding evidence of quantitative susceptibility in the developmental toxicity study in rats, the initial review of this study concluded that for maternal toxicity, the NOAEL was 25 mg/kg/day and the LOAEL was 75 mg/kg/day based on decreases in body weight gain in the maternal animals during the dosing period (gestation days 6 through 15). When compared to the vehicle control group, maternal body weight gain decreases were: -43% during gestation days 6 through 10 and -21% during days 6 through 15 at the 75 mg/kg/day group. Although these decreases were not statistically significant, they are biologically significant and attributed to treatment because decreases in body weight gain were also seen in the 2-generation reproduction study in the same strain of rats at a comparable dietary dose level (75 mg/kg/day). Additionally, the fact that the maternal animals regained their body weight following cessation of exposure (dosing) indicated that the decreases were indeed due to treatment with 2,4-D. EPA reconfirmed that maternal toxicity was seen at 75 mg/kg/day, the LOAEL.

With regard to the developmental toxicity, fetal effects are manifested as skeletal variations (not malformations) at the same dose that caused maternal toxicity. The skeletal variations included: presence of 7th cervical rib; presence of 14th rudimentary rib; mal-aligned sternebrae; reduced ossification of the vertebral arches and unossified sternebrae. These effects were not considered to be severe in nature because: (1) The presence of ribs indicate extra ossification; (2) malaligned sternebrae, reduced ossification of the vertebral arches and unossified sternebrae which are delays in ossification, were also seen in the controls; (3) there was no dose-response relationship for any of the variations; (4) the incidences were not statistically significant when compared to the vehicle control; (5) no increases were seen when litter incidences were considered; (6) fetal variations were seen in the presence of maternal toxicity; and (7) no malformations were seen at any dose level.

Based on these results, EPA reconfirmed that there is no evidence for increased susceptibility since the mild fetal effects were seen in the presence of maternal toxicity. This conclusion is supported by the lack of evidence for either quantitative or qualitative susceptibility in the developmental toxicity study in rabbits or in the 2-generation reproduction study. In rabbits, no developmental toxicity was seen at the highest dose tested. In the two-generation reproduction study, offspring toxicity (decreased pup body weight during lactation in F_{1b} pups) was seen in the presence of parental/systemic toxicity (degeneration of male kidney tubule and decreased weight gain in females) at the same dose. In addition, no evidence of susceptibility was seen in the developmental toxicity studies conducted with the salts and esters of 2,4-D; in these studies, the developmental toxicity occurred either at the same dose levels or higher dose levels that caused maternal toxicity.

Regarding evidence of qualitative susceptibility as potential thyroid endocrine disruptor, the thyroid effects seen in the subchronic (decreases in T4, follicular cell hypertrophy) and chronic (decreases in T4, increase in thryoid weights) toxicity study in rats occurred only at high doses. These effects were seen in the presence of other systemic (liver or kidney) toxicity, and there was no evidence of thyroid toxicity in dogs. No evidence of endocrine disruptions were seen in the appropriate parameters that evaluated this effect in the two-generation reproduction study.

EPA is currently developing policy, procedures and data requirements for endocrine disruptors. If, as a part of the review under reregistration, 2,4-D is identified as a potential endocrine disruptor, 2,4-D will be assessed according to EPA policy and appropriate data will be requested.

iii. *Conclusion*. There is a complete toxicity data base for 2,4-D and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures. An FQPA safety factor is necessary for 2,4-D since there is evidence of neuropathology (retinal degeneration) in female rats at the 1–year measurements made in the chronic neurotoxicity study in rats. This finding triggers the need for a developmental neurotoxicity study and an FQPA safety factor for this data gap. However, the safety factor can be reduced to 3x based on the fact that the

toxicology data base is complete for the core studies required for FQPA assessment, that there is no evidence of quantitative or qualitative increased susceptibility in the prenatal developmental toxicity studies in rats and rabbits or in the 2-generation reproduction study in rats, and that the exposure assessments will not underestimate the potential dietary (food and water) and non-dietary exposure resulting from the use of 2,4-D.

Since there is a concern for neuropathology which triggers a developmental neurotoxicity study, the FQPA safety factor is applicable to all population subgroups for acute and chronic dietary assessments and to residential exposure and risk assessment of all durations. The result of the developmental neurotoxicity study could inform all endpoint selections.

E. Aggregate Risks and Determination of Safety

To estimate total aggregate exposure to a pesticide from food, drinking water, and residential uses, the Agency calculates DWLOCs which are used as a point of comparison against the model estimates of a pesticide's concentration in water (EECs). DWLOC values are not regulatory standards for drinking water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food and residential uses. In calculating a DWLOC, the Agency determines how much of the acceptable exposure (i.e., the PAD) is available for exposure through drinking water e.g., allowable chronic water exposure (mg/kg/day) = cPAD - (average food + residential exposure). This allowable exposure through drinking water is used to calculate a DWLOC.

A DWLOC will vary depending on the toxic endpoint, drinking water consumption, and body weights. Default body weights and consumption values as used by the USEPA Office of Water are used to calculate DWLOCs: 2L/70 kg (adult male), 2L/60 kg (adult female), and 1L/10 kg (child). Default body weights and drinking water consumption values vary on an individual basis. This variation will be taken into account in more refined screening-level and quantitative drinking water exposure assessments. Different populations will have different DWLOCs. Generally, a DWLOC is calculated for each type of risk assessment used: acute, short-term, intermediate-term, chronic, and cancer.

When EECs for surface water and groundwater are less than the calculated DWLOCs, the Office of Pesticide Programs (OPP) concludes with reasonable certainty that exposures to the pesticide in drinking water (when considered along with other sources of exposure for which OPP has reliable data) would not result in unacceptable levels of aggregate human health risk at this time. Because OPP considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, OPP will reassess the potential impacts of residues of the pesticide in drinking water as a part of the aggregate risk assessment process.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food to 2,4-D will occupy 7.3% of the aPAD for the U.S. population, 12% of the aPAD for females 13 years and older, 9.4% of the aPAD for infants less than 1 year old and 8.8% of the aPAD for children 7 – 12 years old. In addition, there is potential for acute dietary exposure to 2,4-D in drinking water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the aPAD, as shown in the following Table 2:

TABLE 2.—AGGREGATE RISK ASSESSMENT FOR ACUTE EXPOSURE TO 2,4-D

Population Subgroup	aPAD (mg/kg)	% aPAD (Food)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Acute DWLOC (ppb)
U.S. Population	0.22	7.3	1,561	14.8	7,100
All Infants (< 1 year) old	0.22	9.4	1,561	14.8	2,000
Children 1–6 yrs old	0.22	12	1,561	14.8	1,900
Children 7–12 yrs old	0.22	8.8	1,561	14.8	2,000
Females 13–50 yrs old	0.083	12	1,561	14.8	2,200

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to 2,4-D from food will utilize 24% of the cPAD for the U.S. population, 19% of the cPAD for infants less than 1 year old and 46% of the cPAD for children 1 – 6 years old. Based on the use pattern, chronic residential exposure to residues of 2,4-D is not expected. In addition, there is potential for chronic dietary exposure to 2,4-D in drinking water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the cPAD, as shown in the following Table 3:

TABLE 3.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON-CANCER) EXPOSURE TO 2,4-D

Population Subgroup	cPAD mg/kg/day	% cPAD (Food)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Chronic DWLOC (ppb)
U.S. Population	0.0033	24	15	14.8	88
All Infants (< 1 year) old	0.0033	19	15	14.8	27
Children 1–6 yrs old	0.0033	46	15	14.8	18
Children 7–12 yrs old	0.0033	36	15	14.8	21
Females 13–50 yrs old	0.0033	20	15	14.8	80

3. *Short-term risk*. Short-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). 2,4-D is currently registered for use that could result in short-term residential exposure and the Agency has determined that it is appropriate to aggregate chronic food and water and short-term exposures for 2,4-D. Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded that food and residential exposures aggregated result in aggregate MOEs of 853 for the U.S. population, 943 for infants less than 1 year old, 912 for children 1 – 6 years old, and 859 for females 13 years and older. These aggregate MOEs do not exceed the Agency's level of concern for aggregate exposure to food and residential uses. In addition, short-term DWLOCs were calculated and compared to the EECs for chronic exposure of 2,4-D in ground and surface water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect short-term aggregate exposure to exceed the Agency's level of concern, as shown in the following Table 4:

TABLE 4.—AGGREGATE RISK ASSESSMENT FOR SHORT-TERM EXPOSURE TO 2,4-D

Population Subgroup	Aggregate MOE (Food + Residential)	Aggregate Level of Concern (LOC)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Short-Term DWLOC (ppb)
US Population	853	300	15	14.8	1,890
All Infants (< 1 year) old	943	300	15	14.8	568
Children 1–6 yrs old	912	300	15	14.8	559
Females 13–50 yrs old	859	300	15	14.8	1,630

4. *Determination of safety*. Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to 2,4-D residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology is available (gas chromatography (GC) with electron capture detection (ECD), EN-CAS Method ENC-2/93. This GC/ECD method has undergone successful independent laboratory validation and is available to enforce the time-limited tolerance on soybean seed.

B. International Residue Limits

There are no Codex, Canadian or Mexican residue limits established for 2,4-D on soybeans.

C. Conditions

This tolerance with an expiration date was required by EPA to allow the Industry Task Force II on 2,4-D Research Data to submit additional field residue trials, including bridging studies with ester and amine formulations, plant metabolism studies, storage stability data, and oncogenicity studies in two species, rat and mouse preferred. Because the Agency has not completed the regulatory assessment of its scientific findings, EPA is proposing to amend 40 CFR 180.142 to extend the expiration date for these tolerances until December 31, 2004.

V. Conclusion

Therefore, the tolerance is established for residues of 2,4-D, 2,4-dichlorophenoxyacetic acid, in or on soybeans at 0.02 ppm.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301219 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before May 7, 2002.

1. *Filing the request*. Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment*. If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it ''Tolerance Petition Fees.''

EPA is authorized to waive any fee requirement ''when in the judgement of

the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection.'' For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–301219, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action 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, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 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 final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, 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 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. Thus, Executive Order 13175 does not apply to this rule.

VIII. 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 this final rule in the **Federal Register**. This final

rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 26, 2002.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

2. Section 180.142 is amended by revising paragraph (a)(11) to read as follows:

§ 180.142 2,4-D, tolerances for residues.

(a) * * *

(11) A tolerance that expires on December 31, 2004 is established for residues of the herbicide 2,4-D (2,4-dichlorophenoxyacetic acid) resulting from the preplant use of 2,4-D ester or amine in or on the raw agricultural commodity as follows:

Commodity	Parts per million	Expiration/Revocation Date
Soybean, seed	0.02	12/31/04

* * * * *

[FR Doc. 02–5606 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 59 and 61

RIN 3067–AD16

National Flood Insurance Program (NFIP); Inspection of Insured Structures by Communities

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Interim final rule.

SUMMARY: This interim final rule would amend the NFIP regulations to clarify that areas of Monroe County, Florida that incorporate on or after January 1, 1999, and become eligible for the sale of flood insurance must participate in the inspection procedure as a condition of joining the NFIP. We established the inspection procedure to help the communities of Monroe County and the Village of Islamorada verify that structures comply with the community's floodplain management ordinance, and to ensure that property owners pay flood insurance premiums to the NFIP commensurate with their flood risk.

DATES: 44 CFR 59.30(a) is effective March 8, 2002. The amendments to Appendices (A)(4), (A)(5), and (A)(6) of 44 CFR part 61 are effective on June 6, 2002. Please submit comments on or before June 6, 2002.

ADDRESSES: Please send your comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street, SW., room 840, Washington, DC 20472, (facsimile) 202–646–4536, or (email) *rules@fema.gov*.

FOR FURTHER INFORMATION CONTACT: Donald Beaton, Federal Emergency Management Agency, Federal Insurance and Mitigation Administration, 500 C Street, SW., Washington, DC 20472, 202–646–3442, (facsimile) 202–646–4327 or (email) *donald.beaton@fema.gov*, or Lois Forster, Federal Emergency Management Agency, Federal Insurance and Mitigation Administration, 202–646–2720, (facsimile) 202–646–2577, or (email) *lois.forster@fema.gov*.

SUPPLEMENTARY INFORMATION: We established a pilot inspection procedure and the criteria to implement it under 44 CFR 59.30 in a final rule published in the **Federal Register** on June 27, 2000, 65 FR 39726. The inspection procedure is to help the communities of Monroe County, Florida and the Village of Islamorada, also located within Monroe County, verify that structures comply with the community's floodplain management ordinance, and to ensure that property owners pay flood insurance premiums to the NFIP commensurate with their flood risk. The inspection procedure requires owners of insured buildings to obtain an inspection from community officials and to submit a Community Inspection Report as a condition of renewing the Standard Flood Insurance Policy on the building. Specifically, the inspection procedure is designed to help the communities determine whether buildings with an enclosure comply with the community's floodplain management ordinance.

The community inspection procedure applies only to insured post-FIRM (Flood Insurance Rate Map) buildings located in the Special Flood Hazard Areas of the communities participating in the inspection procedure.

On November 2, 1999, the City of Marathon incorporated and on October 16, 2000 the City became an NFIP participating community. We notified the City of Marathon of the inspection procedure before it applied to join the NFIP. The community agreed to participate in the pilot inspection procedure in a resolution titled, ''A Resolution of the City Council of the City of marathon, Florida, Providing for Approval of the City's Participation in the National Flood Insurance Program's Pilot Inspection Program and Providing for an Effective Date'', which was passed and adopted on September 13, 2000.

In the **SUPPLEMENTARY INFORMATION** in both the proposed rule (published in the **Federal Register** on May 5, 1999, 64 FR 24256) and the final rule (published in the **Federal Register** on June 27, 2000, 65 FR 39726), we stated that as a condition of joining the NFIP the inspection procedure would be undertaken in areas within Monroe County that incorporate and become a separate community on or after January 1, 1999.

We established the following requirement in 44 CFR 59.30(a), Purpose, which requires areas within Monroe County that incorporate after January 1, 1999, to implement the inspection procedure: ''(a) This section sets forth the criteria for implementing a pilot inspection procedure in Monroe County and the Village of Islamorada, Florida. These criteria will also be used to implement the pilot inspection procedure in any area within Monroe County, Florida that incorporates on or after January 1, 1999, and is eligible for the sale of flood insurance.'' The City of Marathon is the only community in Monroe County that has incorporated after January 1, 1999.

This interim final rule would amend 44 CFR 59.30 and Appendices (A)(4), (A)(5), and (A)(6) of 44 CFR part 61 to clarify that areas in Monroe County that become communities by incorporating

on or after January 1, 1999, are required to participate in the inspection procedure as a condition of joining the NFIP. We will publish notices in the **Federal Register** when communities in Monroe County incorporate, agree to implement the pilot insurance procedure, and become eligible for the sale of flood insurance.

The same factors that make the conditions unique in Monroe County and the Village of Islamorada for implementation of the inspection procedure also apply to the City of Marathon and to other areas in Monroe County that incorporate. They include:

- The nature of the flood hazard,
- The number of possible violations (an estimated 2,000–4,000 illegally built enclosures in the entire County, the Village of Islamorada, and any areas in Monroe County that become communities by incorporating after January 1, 1999).
- The potential for loss of life in the event of a flood, and
- Several factors that have limited the community's ability to determine whether a building with an enclosures complies with the local floodplain management ordinance.

We will give the City of Marathon and other areas of Monroe County that incorporate after January 1, 1999, the same assistance that we are providing the Monroe County and the Village of Islamorada to address these violations.

National Environmental Policy Act

When we conducted the environmental review for the proposed rule on the inspection procedure (published in the **Federal Register** on May 5, 1999, 64 FR 24256), the City of Marathon was not a participating NFIP community. However, we covered the City of Marathon's incorporated areas in the environmental review as if Marathon was a part of Monroe County. That environmental review also covers any additional area within Monroe County that may incorporate in the future. Therefore, the determination that the action in the may 5, 1999 proposed rule qualifies for the exclusion on rulemaking relating to actions that themselves are excludable applies to this interim final rule.

We reviewed the May 5, 1999 proposed rule on the inspection procedure under the requirements of 44 CFR 10, Environmental Considerations, and under the mandates of the National Environmental Policy Act. We determined that the action in that proposed rule qualifies for the exclusion on rulemaking relating to actions that themselves are excludable. The exclusions are in 44 CFR 10.8(d)(2) (ii) and (iv) regarding inspections, monitoring activities, and actions to enforce local regulations.

We determined that the proposed rule does not establish any new requirements that Monroe County and the Village of Islamorada must adopt and enforce under the NFIP. Rather, it provides the communities with an additional tool to enforce existing requirements in their floodplain management ordinance. This existing ordinance requires that all new and substantially improved structures must be elevated to or above the Base Flood Elevation (BFE), and must be anchored adequately to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads.

We also determined that no extraordinary circumstances existed regarding the May 5, 1999 proposed rule, as defined in 44 CFR 10.8(d)(3). We considered these potential extraordinary circumstances: Greater scope or size than normally experienced for a particular category action; high level of public controversy; presence of endangered or threatened species and their critical habitat; presence of hazardous substances; and actions with the potential to affect special status areas adversely or other critical resources.

You may obtain a copy of the Record of Environmental Review documenting the findings through our Web site at *www.FEMA.gov,* or by writing to the Federal Emergency Management Agency at 500 C Street, SW., Washington, DC 20472, Attention: Lois Forster.

Executive Order 12898, Environmental Justice

When we conducted the environmental review for the May 5, 1999 proposed rule, the City of Marathon was not a participating NFIP community. We covered the City of Marathon's incorporated areas in the environmental review, however, as if Marathon were a part of Monroe County. The environmental review covers any additional area within Monroe County that incorporates. Therefore, the determination that the inspection procedure would not have a disproportionate adverse impact on low-income populations and minority populations applies to this interim final rule since the areas are already covered under the previous environmental review.

We reviewed the May 5, 1999 proposed rule under E.O. 12898, Environmental Justice, and determined that the inspection procedure would not have a disproportionate adverse impact on low-income populations and minority populations. We also determined that this action would have some adverse effects on low-income populations because some of the illegal enclosures are used as full-living units and the residents would have to find replacement housing. The effect would be caused by the illegal activity, not by this regulatory action. We determined, further, that there would be a greater adverse health and safety impact on the affected low-income populations if they stayed in these illegally built ground level enclosures. The enclosures are located in flood hazard areas below the Base Flood Elevation where there is a significant risk of flooding.

You may obtain a copy of the Record of Environmental Review documenting the findings through our Web site at *www.FEMA.gov,* or by writing to the Federal Emergency Management Agency at 500 C Street, SW., Washington, DC 20472, Attention: Lois Forster.

Executive Order 12866, Regulatory Planning and Review

We prepared and reviewed the final rule (published in the **Federal Register** on June 27, 2000, 65 FR 39726) under the provisions of E.O. 12866, Regulatory Planning and Review. For the reasons that follow we concluded that the June 27, 2000 rule is neither an economically significant nor significant regulatory action under the executive order. Therefore, since this interim final rule does not change the requirements of the June 27, 2000 final rule, this rule is neither an economically significant nor a significant regulatory action under the executive order and the following reasons also apply:

The June 27, 2000 final rule and this interim final rule apply to a pilot program that applies to Monroe County and the Village of Islamorada. The rules would apply to the City of Marathon and to other communities in Monroe County that incorporate after January 1, 1999, and become eligible for the sale of flood insurance. The rules address flood insurance and floodplain management issues that the law requires for communities to remain eligible for flood insurance and to avoid probation and potential suspension from the NFIP;

We estimate that the costs to these communities to enforce the rule would be in the range of $48,000 to $250,000 per year, over a few years;

This rule raises no novel legal or policy issues arising out of legal mandates of the NFIP, presidential priorities, or principles of E.O. 12866. It creates no new requirements that the two communities must adopt and enforce under the NFIP, but assists them

in carrying out their responsibilities under the NFIP and enforcing the existing requirements in their floodplain management ordinance;

This rule would provide these communities with a tool to protect the health, safety, and welfare of their citizens and property exposed to a significant flood risk, a tool not otherwise available to the communities under the current regulations of the NFIP;

We do not expect that this rule would adversely or materially affect the public directly affected by the rule. The inspection procedure would be implemented over a period of several years, would give property owners time to remedy the violations, and would give tenants living in illegal enclosures time to find appropriate alternative housing. The rule also accommodates the State-mandated Rate of Growth Ordinance (ROGO), the memorandum of agreement between the County and the State on ROGO allocations in order to deal with replacement units for illegal enclosures removed as a result of the inspection procedure;

The inspection procedure adopted in the June 27, 2000 rule arises out of work done by a Citizen's Task Force that the Monroe County Board of County Commissioners appointed. We have worked closely with County, Village and State officials in preparing the rule [see Executive Order 13132, Federalism, below]; and

The inspection procedure under this rule is the best available method to achieve the NFIP regulatory objective while taking into account State statutory constraints on inspections, State rate of growth mandates, housing limits within the two communities, and related factors.

The Office of Management and Budget has not reviewed this rule under the principles of Executive Order 12866.

Executive Order 13132, Federalism

Executive Order 13132, Federalism, seeks to ensure that Executive agencies consider principles of federalism when developing new policies, and requires them to consult with State and local officials when their actions may have federalism implications.

In the May 5, 1999 proposed rule, we stated that that rule had no policies that have federalism implications under E.O. 12612, Federalism.

We reviewed the June 27, 2000 final rule federalism implications under E.O. 13132. Based on our review, we determined the rule does not have federalism implications as defined in E.O. 13132 as it does 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. The June 27, 2000 final rule imposes no mandates on State or local governments.

We reviewed this interim final rule for federalism implications under E.O. 13132. Based on our review, we determined that this interim final rule also does not have federalism implications as defined in E.O. 13132.

In addition to Monroe County, the Village of Islamorada, and the State of Florida, we have consulted with the City of Marathon and will continue to consult and coordinate with the city of Marathon and any other area in Monroe County that incorporates and becomes eligible for the sale of flood insurance after January 1, 1999, that will participate in the inspection procedure.

Paperwork Reduction Act

We submitted the information collection requirements in the May 5, 1999 proposed rule to the Office of Management and Budget (OMB) for approval under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* The information collection requirements were approved by the OMB under Control Number 3067–0275. Under this interim final rule, the number and type of respondents would remain substantially the same. This interim final rule would not likely revise the number and types of responses, frequency, and burden hours. The number and types of responses, frequency, and burden hours for the City of marathon or any other area in Monroe County that incorporates after January 1, 1999, and is eligible for the sale of flood insurance will offset the number and types of responses, frequency, and burden hours in Monroe County.

Executive Order 12778, Civil Justice Reform

This final rule meets the applicable standards of subsections 2(a) and 2(b)(2) of Executive Order 12778.

Justification for Interim Final Rule.

In general, FEMA publishes a rule for public comment before issuing a final rule, in accordance with the Administrative Procedure Act, 5 U.S.C. 533, and 44 CFR 1.12. The Administrative Procedure Act, however, does provide an exception from that general rule where the agency for good cause finds the procedures for comment and response contrary to public interest. This interim final rule provides for a clarification in the final rule (published in the **Federal Register** on June 27, 2000, 65 FR 39726) that areas in Monroe County that become communities by incorporating on or after January 1, 1999, are required to participate in the inspection procedure as a condition of joining the NFIP. This requirement was specifically stated in the supplementary of the proposed rule (published in the **Federal Register** on May 5, 1999) and the final rule. We also established the following requirement in 44 CFR 59.30(a), Purpose which requires areas within Monroe County that incorporate after January 1, 1999 to implement the inspection procedure: ''(a) This section sets forth the criteria for implementing a pilot inspection procedure in Monroe County and the Village of Islamorada, Florida. These criteria will also be used to implement the pilot inspection procedure in any area within Monroe County, Florida that incorporated on or after January 1, 1999, and is eligible for the sale of flood insurance.'' However, this requirement was not clearly stated in the Appendices (A)(4), (A)(5), and (A)(6) of 44 CFR part 61, the endorsements to the standard Flood Insurance Policy. This interim final rule would amend 44 CFR 59.30 and the Appendices to make clearer that participation in the inspection procedure is a requirement for any area within Monroe County that incorporates on or after January 1, 1999. Because this is a clarification to the final rule and not a new or modified requirement, we believe it is in the public interest to publish this amendment as an interim final rule.

List of Subjects in 44 CFR Parts 59 and 61

Flood Insurance, Reporting and recordkeeping requirements.

Accordingly, amend 44 CFR parts 59 and 61 as follows:

PART 59—GENERAL PROVISIONS

1. The authority citation for part 59 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

2. Revise section 59.30(a) to read as follows:

§ 59.30 A pilot inspection procedure.

(a) *Purpose.* This section sets forth the criteria for implementing a pilot inspection procedure in Monroe County and the Village of Islamorada, Florida. Areas within Monroe County that become communities by incorporating on or after January 1, 1999, are required

to implement the pilot inspection procedure as a condition of participating in the NIP. The criteria will also be used to implement the pilot inspection procedure in these communities. The purpose of this inspection procedure is to provide the communities participating in the pilot inspection procedure with an additional means to identify whether structures built in Special Flood Hazard Areas (SFHAs) after the effective date of the initial Flood Insurance Rate Map (FIRM) comply with the community's floodplain management regulations. The pilot inspection procedure will also assist FEMA in verifying that structures insured under the National Flood Insurance Program's Standard Flood Insurance Policy are properly rated. FEMA will publish notices in the **Federal Register** when communities in Monroe County incorporate, agree to implement the pilot inspection procedure, and become eligible for the sale of flood insurance.

* * * * *

PART 61—INSURANCE COVERAGE AND RATES

3. The authority citation for part 61 continues to read as follows;

Authority 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

4. Revise the heading and first paragraph in Appendix (A)(4) to part 61 to read as follows;

Appendix A(4) to Part 61

Federal Emergency Management Agency, Federal Insurance Administration

Standard Flood Insurance Policy Endorsement to Dwelling Form

This endorsement replaces the provisions of VII.B.4 and VII.H.2, and also adds a new paragraph, VII.H.5. This endorsement applies in Monroe County and the Village of Islamorada, Florida, This endorsement also applies to communities within Monroe County, Florida that incorporate on or after January 1, 1999, agree to participate in the inspection procedure, and become eligible for the sale of flood insurance.

* * * * *

5. Revise the heading and first paragraph in Appendix (A)(5) to part 61 to read as follows:

Appendix A(5) to part 61

Federal Emergency Management Agency, Federal Insurance Administration

Standard Flood Insurance Policy Endorsement to General Property Form

This endorsement replaces the provisions of VII.B.4 and VII.H.2, and also adds a new paragraph, VII.H.5. This endorsement applies in Monroe County and the Village of Islamorada, Florida. This endorsement also applies to communities within Monroe County, Florida that incorporate on or after January 1, 1999, agree to participate in the inspection procedure, and become eligible for the sale of flood insurance.

* * * * *

6. Revise the heading and first paragraph in Appendix (A)(6) to part 61 to read as follows:

Appendix A(6) to Part 61

Federal Emergency Management Agency, Federal Insurance Administration

Standard Flood Insurance Policy Endorsement to Residential Condominium Building Association Policy

This endorsement replaces the provisions of VIII.B.4 and VIII.H.2, and also adds a new paragraph, VIII.H.5. This endorsement applies in Monroe County and the Village of Islamorada, Florida. This endorsement also applies to communities within Monroe County, Florida and incorporate on or after January 1, 1999, agree to participate in the inspection procedure, and become eligible for the sale of flood insurance.

* * * * *

Dated: February 28, 2002.

Michael D. Brown,

General Counsel.

[FR Doc. 02–5559 Filed 3–7–02; 8:45 am]

BILLING CODE 6718–05–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[IB Docket No. 00–106, FCC 01–332]

Review of Commission Consideration of Applications Under the Cable Landing License Act

AGENCY: Federal Communications Commission.

ACTION: Final rules; announcement of effective date.

SUMMARY: This rule announces the effective date of the rule published on January 14, 2002. Those rules amended the Commission's rules governing streamlined processing for submarine cable landing licenses. The Commission adopted measures designed to enable international carriers to respond to the demands of the market with minimal regulatory oversight and delay, saving time and resources for both the industry and government, while preserving the Commission's ability to guard against anti-competitive behavior.

DATES: Sections 1.767(a)(7) through (a)(9),(a)(11), (g)(1) through (g)(14), (j), (k), (l)(1), (l)(2), (m)(1) through (m)(2), and 1.768(a) through (i) published at 67 FR 1615 are effective March 15, 2002.

FOR FURTHER INFORMATION CONTACT: Peggy Reitzel, Policy and Facilities Branch, Telecommunications Division, International Bureau, (202) 418–1470.

SUPPLEMENTARY INFORMATION: On November 8, 2001, the Commission adopted a report and order establishing streamlining procedures for processing applications for submarine cable landing licenses (FCC 01–106), a summary of which was published in the **Federal Register**. See 67 FR 1615 (January 14, 2002). We stated that the rules were effective on March 15, 2002, except for those sections containing new information collection requirements, which require approval by the Office of Management and Budget (OMB). The information collection requirements were approved by OMB on February 19, 2002. See OMB No. 3060–0944. This publication satisfies our statement that the Commission would publish a document announcing the effective date of the rules.

List of Subjects in 47 CFR Part 1

Communications common carriers, Reporting and recordkeeping requirements, Telecommunications miscellaneous rules relating to common carriers.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 02–5379 Filed 3–7–02; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

Docket No. 011218304–1304–01; I.D. 030502C]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Hook-and-line Gear in the Bering Sea and Aleutian Islands

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher processor vessels using hook-and-line gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the A season apportionment of the 2002 total allowable catch (TAC) of Pacific cod allocated for catcher processor vessels using hook-and-line gear in this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 8, 2002, until 2400 hrs, A.l.t., August 15, 2002.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season apportionment of the 2002 Pacific cod TAC allocated to catcher processor vessels using hook-and-line gear in the BSAI was established by an emergency rule implementing 2002 harvest specifications and associated management measures for the groundfish fisheries off Alaska (67 FR 956, January 8, 2002) as a directed fishing allowance of 45,048 metric tons. See § 679.20 (c)(3)(iii), § 679.20 (c)(5), and § 679.20 (a)(7)(i)(A)&(C).

In accordance with § 679.20 (d)(1)(iii), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the A season apportionment of the 2002 Pacific cod TAC allocated to catcher processor vessels using hook-and-line gear as a directed fishing allowance in the BSAI will soon be reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher processor vessels using hook-and-line gear in the BSAI.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action to prevent exceeding the A season apportionment of the 2002 Pacific cod TAC allocated to catcher processor vessels using hook-and-line gear constitutes good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553 (b)(3)(B) and § 679.20 (b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly, the need to implement these measures in a timely fashion to prevent exceeding the A season apportionment of the 2002 Pacific cod TAC allocated to catcher processor vessels using hook-and-line gear constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: March 5, 2002.

Richard W. Surdi,

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

[FR Doc. 02–5739 Filed 3–6–02; 2:52 pm]

BILLING CODE 3510–22–S

Rules and Regulations

Federal Register
Vol. 67, No. 46
Friday, March 8, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM211, Special Conditions No. 25–197–SC]

Special Conditions: Boeing Model 737–300, –400, and –500 Series Airplanes; High Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for Boeing Model 737–300, –400, and –500 series airplanes modified by Hollingsead International. These airplanes will have novel and unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The modification incorporates the installation of Rockwell Collins Global Navigation Landing Unit (GNLU–920) Multi-Mode Receiver (MMR) system. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for the protection of these systems from the effects of high-intensity radiated fields (HIRF). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that provided by the existing airworthiness standards.

DATES: The effective date of these special conditions is February 25, 2002. Comments must be received on or before March 29, 2002.

ADDRESSES: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Transport Airplane Directorate, Attn: Rules Docket (ANM–113), Docket No. NM211, 1601 Lind Avenue SW., Renton, Washington, 98055–4056; or delivered in duplicate to the Transport Airplane Directorate at the above address. All comments must be marked: Docket No. NM211. 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: Gregory Dunn, FAA, Airplane and Flight Crew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98055–4056; telephone (425) 227–2799; facsimile (425) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning these special conditions. The docket is available for public inspection before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this preamble between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

We will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions in light of the comments we receive.

If you want the FAA to acknowledge receipt of your comments on this proposal, include with your comments a pre-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it to you.

Background

On January 8, 2002, Hollingsead International, 7416 Hollister Avenue, Goleta, California 93117, applied for a supplemental type certificate (STC) to modify Boeing Model 737–300, –400, and –500 series airplanes approved under Type Certificate No. A16WE. The Model 737 series airplanes range from 101 feet, 9 inches long to 119 feet 7 inches in length and have a wingspan of 94 feet, 9 inches. The height at vertical stabilizer to ground is 36 feet, 6 inches. The passenger load is from 140 to 188 passengers, and the range is from 2785 to 3910 statute miles. The modification incorporates the installation of a dual Rockwell Collins GNLU–920 Multi-Mode Receiver (MMR) system. Each system consists of a Rockwell Collins GNLU–920 MMR and a Gables Engineering MMR Control Panel. The Rockwell Collins GNLU–920 MMR is a single integrated unit that enables approaches using instrument landing systems, microwave systems and global navigation satellite system functions. These functions can be susceptible to disruption to both command and response signals as a result of electrical and magnetic interference caused by high-intensity radiated fields (HIRF) external to the airplane. This disruption of signals could result in loss of critical flight displays and annunciations, or could present misleading information to the pilot.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Hollingsead International must show that the Boeing Model 737–300, –400, and –500 series airplanes, as changed, continue to meet the applicable provisions of the regulations incorporated by reference in Type Certificate No. A16WE, or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the ''original type certification basis.'' The certification basis for the modified Boeing Model 737–300, –400, and –500 series airplanes includes 14 CFR part 25, dated November 14, 1984, as amended by amendments 25–1 through 25–51, except for special conditions and exceptions noted in Type Certificate Data Sheet (TCDS) A16WE.

If the Administrator finds that the applicable airworthiness regulations (that is, 14 CFR part 25, as amended) do not contain adequate or appropriate safety standards for the Boeing Model 737–300, –400, and –500 series airplanes because of novel or unusual design features, special conditions are

prescribed under the provisions of 14 CFR 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Boeing Model 737–300, –400, and –500 series airplanes must comply with the fuel vent and exhaust emission requirement of 14 CFR part 34 and the noise certification requirement of part 36.

Special conditions, as defined in 14 CFR 11.19, are issued in accordance with § 11.38, and become part of the type certification basis in accordance with 14 CFR 21.101(b)(2).

Special conditions are initially applicable to the model for which they are issued. Should Hollingsead International apply at a later date for a supplemental type certificate to modify any other model already included on the same type certificate to incorporate the same novel or unusual design features, these special conditions would also apply to the other model under the provisions of 14 CFR 21.101(a)(1).

Novel or Unusual Design Features

The modified Boeing Model 737–300, –400, and –500 series airplanes will incorporate the Rockwell Collins GNLU–920 MMR system, which perform critical functions. The MMR System contains electronic equipment for which the current airworthiness standards (14 CFR part 25) do not contain adequate or appropriate safety standards that address protecting this equipment from the adverse effects of HIRF. Accordingly, these instruments are considered to be a ''novel or unusual design feature.''

Discussion

There is no specific regulation that addresses protection requirements for electrical and electronic systems from HIRF. Increased power levels from ground-based radio transmitters and the growing use of sensitive avionics/electronics and electrical systems to command and control airplanes have made it necessary to provide adequate protection.

To ensure that a level of safety is achieved equivalent to that intended by the regulations incorporated by reference, special conditions are needed for the Boeing Model 737–300, –400 and –500 series airplanes modified to include Rockwell Collins GNLU–920 MMR System. These special conditions will require that this new system, which perform critical functions, be designed and installed to preclude component damage and interruption of function due to both the direct and indirect effects of HIRF.

High-Intensity Radiated Fields (HIRF)

With the trend toward increased power levels from ground-based transmitters, plus the advent of space and satellite communications, coupled with electronic command and control of the airplane, the immunity of critical digital avionic/electronics and electrical systems to HIRF must be established.

It is not possible to precisely define the HIRF to which the airplane will be exposed in service. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling of electromagnetic energy to cockpit-installed equipment through the cockpit window apertures is undefined. Based on surveys and analysis of existing HIRF emitters, an adequate level of protection exists when compliance with the HIRF protection special condition is shown in accordance with either paragraph 1 OR 2 below:

1. A minimum threat of 100 volts rms (root-mean-square) per meter electric field strength from 10 KHz to 18 GHz.

a. The threat must be applied to the system elements and their associated wiring harnesses without the benefit of airframe shielding.

b. Demonstration of this level of protection is established through system tests and analysis.

2. A threat external to the airframe of the field strengths indicated in Table 1 for the frequency ranges indicated. Both peak and average field strength components from Table 1 are to be demonstrated.

TABLE 1

Frequency	Field strength (volts per meter)	
	Peak	Average
10 kHz–100 kHz	50	50
100 kHz–500 kHz	50	50
500 kHz–2 MHz	50	50
2 MHz–30 MHz	100	100
30 MHz–70 MHz	50	50
70 MHz–100 MHz	50	50
100 MHz–200 MHz	100	100
200 MHz–400 MHz	100	100
400 MHz–700 MHz	700	50
700 MHz–1 GHz	700	100
1 GHz–2 GHz	2000	200
2 GHz–4 GHz	3000	200
4 GHz–6 GHz	3000	200
6 GHz–8 GHz	1000	200
8 GHz–12 GHz	3000	300
12 GHz–18 GHz	2000	200
18 GHz–40 GHz	600	200

The field strengths are expressed in terms of peak of the root-mean-square (rms) over the complete modulation period.

The threat levels identified above are the result of an FAA review of existing studies on the subject of HIRF, in light of the ongoing work of the Electromagnetic Effects Harmonization Working Group of the Aviation Rulemaking Advisory Committee.

Applicability

As discussed above, these special conditions are applicable to Boeing Model 737–300, –400 and –500 series airplanes modified by Hollingsead International to include the Rockwell Collins GNLU–920 MMR. Should Hollingsead International apply at a later date for a supplemental type certificate to modify any other model already included on Type Certificate A16WE to incorporate the same novel or unusual design features, these special conditions would apply to that model as well under the provisions of 14 CFR 21.101(a)(1).

Conclusion

This action affects only certain design features on Boeing Model 737–300, –400 and –500 series airplanes modified by Hollingsead International. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

The substance of the special conditions for this airplane has been subjected to the notice and comment procedure in several prior instances and has been derived without substantive change from those previously issued. Because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the supplemental type certification basis for Boeing Model 737–300, –400 and –500 series airplanes modified by Hollingsead International.

1. *Protection from Unwanted Effects of High-Intensity Radiated Fields (HIRF).* Each electrical and electronic system that performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to high-intensity radiated fields.

2. For the purpose of these special conditions, the following definition applies:

Critical Functions. Functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Renton, Washington, on February 25, 2002.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–5626 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–41–AD; Amendment 39–12671; AD 2002–05–03]

RIN 2120–AA64

Airworthiness Directives; General Electric Company CF6–6, CF6–45, and CF6–50 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), that is applicable to General Electric Company (GE) CF6–6, CF6–45, and CF6–50 series turbofan engines, that currently requires revisions to the Time Limits Section of the manufacturer's Instructions for Continued Airworthiness (ICA) to include required inspection of selected critical life-limited parts at each piece-part exposure. This amendment modifies the airworthiness limitations section of the manufacturer's manual and an air carrier's approved continuous airworthiness maintenance program to incorporate additional inspection requirements. A Federal Aviation Administration (FAA) study of in-service events involving uncontained failures of critical rotating engine parts has indicated the need for mandatory inspections. The mandatory inspections are needed to identify those critical rotating parts with conditions, which if allowed to continue in service, could result in uncontained failures. The actions specified by this AD are intended to prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane.

DATES: Effective date April 12, 2002.

ADDRESSES: This information may be examined, by appointment, at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Karen Curtis, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7192, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 2000–08–11, Amendment 39–11697 (65 FR 21636, April 24, 2000), which is applicable to GE CF6–6, CF6–45, and CF6–50 series turbofan engines was published in the **Federal Register** on October 5, 2001 (66 FR 50912). That action proposed to modify the airworthiness limitations section of the manufacturer's manual and an air carrier's approved continuous airworthiness maintenance program to incorporate additional inspection requirements.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Typographical Error

One commenter states that a typographical error exists in the referenced eddy current inspection (ECI) manual task number for HPT Stage 1 disk rim boltholes. The commenter suggests the task number be corrected from 72–53–03–250–052 to 72–53–03–100–053.

The FAA partially agrees. The task number in the proposal is incorrect, however upon further review with the manufacturer, the correct task number is identified as 72–53–03–250–001–053. The task number suggested by the commenter refers to a preparatory cleaning task and not the intended ECI of the disk rim bolthole. The manufacturer will revise Chapter 05–21 of the manual by temporary revision (TR) to include the correct ECI task number, and this final rule is revised accordingly. The review with the manufacturer also found two other task number errors, which have been addressed by TR's and corrections in this final rule.

Time Limits Not Issued Yet

Four commenters approve of the proposal as-written. However, one of those commenters notes that the manufacturer has not yet issued the revisions to the Time Limits section of the engine manual to require the additional inspections in the proposal. The commenter thinks the revisions should already be issued.

The FAA partially agrees. The FAA is aware that the manufacturer has not yet issued revisions to the Time Limits sections of the engine manuals. However, the existing AD and this final rule allows the manufacturer up to 30 days after the effective date of the AD to issue the necessary revisions to the Time Limits sections. Therefore, no action is necessary to address the commenter's observation.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Economic Analysis

The FAA estimates that 730 engines installed on airplanes of U.S. registry would be affected by this AD, that it would take approximately 10 work hours per engine to accomplish the new inspections, and that the average labor rate is $60 per work hour for a total approximate cost of $600 per engine. It is further estimated that there will be about 299 shop visits per year that result in piece-part exposure of the additional affected components. Based on these figures, the total cost effect of the additional inspections on U.S. operators is estimated to be $179,400.

Regulatory Analysis

This final rule does not have federalism implications, as defined in Executive Order 13132, because it 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. Accordingly, the FAA has not consulted with state authorities prior to publication of this final rule.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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 [Amended]

2. Section 39.13 is amended by removing Amendment 39–11697 (65 FR 21636, April 24, 2000) and by adding a new airworthiness directive, Amendment 39–12671, to read as follows:

2002–05–03 General Electric Company: Amendment 39–12671. Docket No. 98–ANE–41–AD. Supersedes AD 2000–08–11, Amendment 39–11697.

Applicability

This airworthiness directive (AD) is applicable to General Electric Company (GE) CF6–6, CF6–45, and CF6–50 series turbofan engines, installed on but not limited to Airbus Industrie A300 series, Boeing 747 series, and McDonnell Douglas DC–10 series airplanes.

Note 1: This AD applies to each engine 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 engines 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 (c) 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 already done.

To prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane, do the following:

Inspections

(a) Within the next 30 days after the effective date of this AD, revise the manufacturer's Time Limits Section of the Instructions for Continued Airworthiness (ICA), and for air carrier operations revise the approved continuous airworthiness maintenance program, by adding the following:

''MANDATORY INSPECTIONS

(1) Perform inspections of the following parts at each piece-part opportunity in accordance with the instructions provided in the applicable manual provisions:

Part nomenclature	Part No. (P/N)	Inspect per engine shop manual chapter
For CF6–6 Engines:		
Disk, Fan Rotor, Stage One	All	72–21–03 Paragraph 2.F. or Paragraph 2.A.B. Flourescent-Penetrant Inspect, and 72–21–03 Paragraph 3 or 3.A. Eddy Current Inspection.
Fan Forward Shaft	All	72–21–05 Paragraph 1. Magnetic Particle Inspection.
Fan Mid Shaft	All	72–24–01 Paragraph 1. and Paragraph 2. Magnetic Particle Inspection.
Disk, HPC Rotor, Stage 1	All	72–31–04 Paragraph 1. Fluorescent Penetrant Inspection.
Disk, HPC Rotor, Stage 2	All	72–31–05 Paragraph 1. Fluorescent Penetrant Inspection.
Spool, HPC Rotor, Stages Three thru Nine	All	72–31–06 Paragraph 1. Fluorescent Penetrant Inspection.
Disk, HPC Rotor, Stage 10	All	72–31–07 Paragraph 1. Fluorescent Penetrant Inspection.
Spool, HPC Rotor, Stages 11–13	All	72–31–08 Paragraph 1. Fluorescent Penetrant Inspection.
Spool, HPC Rotor, Stages 14–16	All	72–31–08 Paragraph 1. Fluorescent Penetrant Inspection.
HPC Rear Shaft	All	72–31–09 Paragraph 1. and Paragraph 1.E. Fluorescent Penetrant Inspection.
No. 4R Bearing Rotating (CDP) Air Seal	All	72–31–10 Fluorescent Penetrant Inspection.
No. 4R Bearing Rotating (CDP) Air Seal Support	All	72–31–10 Fluorescent Penetrant Inspection.

Part nomenclature	Part No. (P/N)	Inspect per engine shop manual chapter
Disk, HPT Rotor, Stage One	All	72–53–03 Paragraph 1. Flourescent-Penetrant Inspect, and 72–53–03 Paragraph 4. Eddy Current Inspection of the HPTR Disk Rim Boltholes, and 72–53–03 Paragraph 5. Disk Bore Area Eddy Current Inspection.
Disk, HPT Rotor, Stage Two	All	72–53–04 Paragraph 1. Flourescent-Penetrant Inspect, and 72–53–04 Paragraph 4. Eddy Current Inspection of the Stage 2 HPTR Disk Rim Boltholes, and 72–53–04 Paragraph 5. Eddy Current Inspection of the Stage 2 Disk Inner Boltholes and, 72–53–04 Paragraph 6. Disk Bore Area Eddy Current Inspection.
Disk, LPT Rotor, Stages One thru Five	All	72–57–02 Paragraph 1. Fluorescent Penetrant Inspection.
LPT Forward Shaft	All	72–57–03 Paragraph 1. Fluorescent Penetrant Inspection.
LPT Rear Shaft	All	72–57–04 Paragraph 1. Fluorescent Penetrant Inspection.
For CF6–45, CF6–50 Engines:		
Disk, Fan Rotor, Stage One	All	Task 72–21–03–230–051 Fluorescent Penetrant Inspection, and Task 72–21–03–250–002–052 Manual Eddy Current Inspection or 72–21–03–250–003–053 Automated Eddy Current Inspection.
Forward Shaft, Fan	All	Task 72–21–05–240–056 Magnetic Particle Inspection.
Mid Shaft, Fan	All	Task 72–24–01–240–001–051 Magnetic Particle Inspection.
Disk, HPC Rotor, Stage 1	All	Task 72–31–04–230–001–051 Fluorescent Penetrant Inspection.
Disk, HPC Rotor, Stage 2	All	Task 72–31–05–230–001–051 Fluorescent Penetrant Inspection.
Spool, HPC Rotor, Stages 3-9	All	Task 72–31–06–230–001–063 Fluorescent Penetrant Inspection.
Disk, HPC Rotor, Stage 10	All	Task 72–31–07–230–001–051 Fluorescent Penetrant Inspection.
Spool, HPC Rotor, Stages 11–13	All	Task 72–31–08–230–001–051 Fluorescent Penetrant Inspection 1.
Disk, HPC Rotor, Stage 14	All	Task 72–31–07–230–001–055 Fluorescent Penetrant Inspection.
Rear Shaft, HPC Rotor	All	Task 72–31–09–230–001–051 Fluorescent Penetrant Inspection.
Spool/Shaft, HPC Rotor, Stages 11–14	All	Task 72–31–26–230–001–052 Fluorescent Penetrant Inspection.
Rotating (CDP) Air Seal, No. 4R Bearing	All	Task 72–31–10–230–059 Fluorescent Penetrant Inspection.
Rotating (CDP) Air Seal Support, No. 4R Bearing	All	Task 72–31–10–230–059 Fluorescent Penetrant Inspection.
Disk, HPT Rotor, Stage One	All	Task 72–53–03–230–001–059 Fluorescent Penetrant Inspect Disk, and Task 72–53–03–250–001–053 Eddy Current Inspection of the HPTR Stage 1 Rim Boltholes, and Task 72–53–03–250–060 Disk Bore Area Eddy Current Inspection.

Part nomenclature	Part No. (P/N)	Inspect per engine shop manual chapter
Disk, HPT Rotor, Stage Two	All	Task 72–53–04–230–001–057 Fluorescent Penetrant Inspect Disk, and Task 72–53–04–250–053 Eddy Current Inspection of the HPTR Stage 2 Rim and/or Inner Boltholes, and Task 72–53–04–250–060 Disk Bore Area Eddy Current Inspection.
Disks, LPT Rotor, Stages 1–4	All	Task 72–57–02–230–001–051 Fluorescent Penetrant Inspection.
Forward Shaft, LPTR	All	Task 72–57–03–230–001–057 Fluorescent Penetrant Inspection.
Rear Shaft, LPTR	All	Task 72–57–04–230–001–051 Fluorescent Penetrant Inspection.

(2) For the purposes of these mandatory inspections, piece-part opportunity means:

(i) The part is considered completely disassembled when accomplished in accordance with the disassembly instructions in the manufacturer's engine manual; and

(ii) The part has accumulated more than 100 cycles in service since the last piece-part opportunity inspection, provided that the part was not damaged or related to the cause for its removal from the engine.''

(b) Except as provided in paragraph (c) of this AD, and notwithstanding contrary provisions in section 43.16 of the Federal Aviation Regulations (14 CFR 43.16), these mandatory inspections shall be performed only in accordance with the Time Limits Section of the manufacturer's ICA.

Alternative Methods of Compliance

(c) 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 Engine Certification Office (ECO). Operators must submit their requests through an appropriate FAA Principal Maintenance Inspector (PMI), who may add comments and then send it to the ECO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

Continuous Airworthiness Maintenance Program

(d) FAA-certificated air carriers that have an approved continuous airworthiness maintenance program in accordance with the recordkeeping requirement of § 121.369(c) of the Federal Aviation Regulations (14 CFR 121.369(c)) must maintain records of the mandatory inspections that result from revising the Time Limits Section of the Instructions for Continuous Airworthiness (ICA) and the air carrier's continuous airworthiness program. Alternatively, certificated air carriers may establish an approved system of record retention that provides a method for preservation and retrieval of the maintenance records that include the inspections resulting from this AD, and include the policy and procedures for implementing this alternate method in the air carrier's maintenance manual required by § 121.369(c) of the Federal Aviation Regulations (14 CFR 121.369(c)); however, the alternate system must be accepted by the appropriate PMI and require the maintenance records be maintained either indefinitely or until the work is repeated. Records of the piece-part inspections are not required under § 121.380(a)(2)(vi) of the Federal Aviation Regulations (14 CFR 121.380 (a)(2)(vi)). All other Operators must maintain the records of mandatory inspections required by the applicable regulations governing their operations.

Note 3: The requirements of this AD have been met when the engine shop manual changes are made and air carriers have modified their continuous airworthiness maintenance plans to reflect the requirements in the engine shop manuals.

(e) This amendment becomes effective on April 12, 2002.

Issued in Burlington, Massachusetts, on February 27, 2002.

Mark C. Fulmer,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 02–5528 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NE–49–AD; Amendment 39–12670; AD 2002–05–02]

RIN 2120–AA64

Airworthiness Directives; General Electric Company CF34–3A1 and –3B1 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), that is applicable to General Electric Company (GE) CF34–3A1 and –3B1 series turbofan engines, that currently requires revisions to the Engine Maintenance Program specified in the manufacturer's Instructions for Continued Airworthiness (ICA) for GE CF34–3A1 and –3B1 series turbofan engines. Those revisions require enhanced inspection of selected critical life-limited parts at each piece-part exposure. The existing AD also requires that an air carrier's approved continuous airworthiness maintenance program incorporate these inspection procedures. This amendment modifies the airworthiness limitations section of the manufacturer's manual and an air carrier's approved continuous airworthiness maintenance program to incorporate additional inspection requirements. An FAA study of in-service events involving uncontained failures of critical rotating engine parts has indicated the need for mandatory inspections. The mandatory inspections are needed to identify those critical rotating parts with conditions, which if allowed to continue in service, could result in uncontained failures. The actions specified by this AD are intended to prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane.

DATES: Effective date April 12, 2002.

ADDRESSES: The information referenced in this AD may be examined, by appointment, at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Barbara Caufield, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7146; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 2000–03–03 R1, Amendment 39–12228 (66 FR 26787, May 15, 2001), which is applicable to General Electric Company CF34–3A1 and –3B1 series turbofan engines was published in the **Federal Register** on October 5, 2001 (66 FR 50891). That action proposed to modifiy the airworthiness limitations section of the manufacturer's manual and an air carrier's approved continuous airworthiness maintenance program to incorporate additional inspection requirements.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Regulatory Analysis

This final rule does not have federalism implications, as defined in Executive Order 13132, because it 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. Accordingly, the FAA has not consulted with state authorities prior to publication of this final rule.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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 [Amended]

2. Section 39.13 is amended by removing Amendment 39–12228 (66 FR 26787, May 15, 2001) and by adding a new airworthiness directive, Amendment 39–12670, to read as follows:

2002–05–02 General Electric Company: Amendment 39–12670. Docket No. 99–NE–49–AD. Supersedes AD 2000–03–03 R1, Amendment 39–12228.

Applicability

This airworthiness directive (AD) is applicable to General Electric Company (GE) CF34–3A1 and –3B1 series turbofan engines, installed on but not limited to Bombardier Canadair CL 600–2B19(RJ) aircraft.

Note 1: This AD applies to each engine 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 engines 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 (c) 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

Compliance with this AD is required as indicated, unless already done.

To prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane, do the following:

Inspections

(a) Within 30 days after the effective date of this AD, revise the CF34 Engine Maintenance Program, Chapter 5–21–00, of the GE CF34–3A1 and –3B1 Series Turbofan Engine Manual, SEI–756. For air carrier operations, revise the approved continuous airworthiness maintenance program, by adding the following:

''9. *CF34–3A1 and CF34–3B1 Engine Maintenance Program—Mandatory Inspection Requirements.*

(A) This procedure is used to identify specific piece-parts that require mandatory inspections that must be accomplished at each piece-part exposure using the applicable Chapters referenced in Table 804 for the inspection requirements. The inspection requirements listed in Table 804 are not required for any piece-part exposure resulting when the engine remains on-wing while performing maintenance practice, special procedure Number 41 listed in SEI–756, chapter 72–00–00.

(B) Piece-part exposure is defined as follows: Note: Fan disk piece-part includes the fan disk with the 56 fan pin bushings installed.

(1) For engines that utilize the ''On Condition'' maintenance requirements:

The part is considered completely disassembled to the piece-part level when done in accordance with the disassembly instructions in the GEAE authorized overhaul Engine Manual, and the part has accumulated more than 100 cycles-in-service since the last piece-part opportunity inspection, provided that the part was not damaged or related to the cause for its removal from the engine.

(2) For engines that utilize the ''Hard Time'' maintenance requirements:

The part is considered completely disassembled when done in accordance with the disassembly instructions used in the ''Minor Maintenance'' or ''Overhaul'' instructions in the GEAE engine authorized Engine Manual, and the part has accumulated more than 100 cycles-in-service since the last piece-part opportunity inspection, provided that the part was not damaged or related to the cause for its removal from the engine.

C. Refer to Table 804 below for the mandatory inspection requirements.

TABLE 804.—MANDATORY INSPECTION REQUIREMENTS

Part nomenclature	Manual/chapter section/subject	Mandatory inspection
Fan Disk (all)	72–21–00, INSPECTION	All areas (FPI) Bores (ECI)
Stage 1 high pressure turbine (HPT) Rotor Disk (all)	72–46–00, INSPECTION	All areas (FPI) Bores (ECI) Boltholes (ECI) Air Holes (ECI)

TABLE 804.—MANDATORY INSPECTION REQUIREMENTS—Continued

Part nomenclature	Manual/chapter section/subject	Mandatory inspection
Stage 2 HPT Rotor Disk (all)	72–46–00, INSPECTION	All areas (FPI) Bores (ECI)
(a) Boltless Rim Configuration		Boltholes (FPI) Air Holes (FPI)
(b) Bolted Rim Configuration		Boltholes (ECI) Air Holes (ECI)
HPT Rotor Outer Torque Coupling (all)	72–46–00, INSPECTION	All areas (FPI) Bore (ECI)
Forward Fan Shaft (all)	72–21–00, INSPECTION	All areas (FPI)
Fan Drive Shaft (all)	72–22–00, INSPECTION	All areas (FPI)
Stage 1 Compressor; Rotor Disk (CF34–3A1) or; Stage 1 Compressor Rotor; Blisk (CF34–3B1) (all).	72–33–00, INSPECTION	All areas (FPI)
Compressor Forward Shaft (all)	72–33–00, INSPECTION	All areas (FPI)
Stage 2 Compressor Rotor Disk (all)	72–33–00, INSPECTION	All areas (FPI)
Stage 3–8 Compressor Rotor Spool (all)	72–33–00, INSPECTION	All areas (FPI)
Stage 9 Compressor Rotor Disk (all)	72–33–00, INSPECTION	All areas (FPI)
Compressor Rotor Rear Shaft (all)	72–33–00, INSPECTION	All areas (FPI)
Compressor Discharge Rotating Seal (all)	72–33–00, INSPECTION	All non-coated Areas (FPI)
Stage 10–14 Compressor Areas Rotor Spool (all)	72–33–00, INSPECTION	All non-coated (FPI)
Turbine Rear Shaft (LPT Rotor) (all)	72–53–00, INSPECTION	All areas (FPI)
Stage 3 Turbine Disk (all)	72–53–00, INSPECTION	All areas (FPI)
Stage 4 Turbine Disk (all)	72–53–00, INSPECTION	All areas (FPI)
Stage 5 Turbine Disk (all)	72–53–00, INSPECTION	All areas (FPI)
Stage 6 Turbine Disk (all)	72–53–00, INSPECTION	All areas (FPI)
Turbine Driver Cone (all)	72–53–00, INSPECTION	All areas (FPI)

FPI = Fluorescent Penetrant Inspection Method
ECI = Eddy Current Inspection''

(b) Except as provided in paragraph (c) of this AD, and notwithstanding the provisions of section 43.16 of the Federal Aviation Regulations (14 CFR 43.16), these mandatory inspections shall be performed only in accordance with the CF34 Engine Maintenance Program, Chapter 5–21–00, of the General Electric Company, CF34–3A1 and –3B1 Series Turbofan Engine Manual, SEI–756.

Alternative Method of Compliance

(c) 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, Engine Certification Office (ECO). Operators must submit their requests through an appropriate FAA Principal Maintenance Inspector (PMI), who may add comments and then send it to the Manager, ECO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the ECO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 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 done.

Continuous Airworthiness Maintenance Program

(e) FAA-certificated air carriers that have an approved continuous airworthiness maintenance program in accordance with the recordkeeping requirement of § 121.369(c) of the Federal Aviation Regulations (14 CFR 121.369(c)) must maintain records of the mandatory inspections that result from revising the CF34 Engine Maintenance Program and the air carrier's continuous airworthiness program. Alternatively, certificated air carriers may establish an approved system of record retention that provides a method for preservation and retrieval of the maintenance records that include the inspections resulting from this AD, and include the policy and procedures for implementing this alternate method in the air carrier's maintenance manual required by § 121.369(c) of the Federal Aviation Regulations (14 CFR 121.369(c)); however, the alternate system must be accepted by the appropriate PMI and require the maintenance records be maintained either indefinitely or until the work is repeated. Records of the piece-part inspections are not required under § 121.380(a)(2)(vi) of the Federal Aviation Regulations (14 CFR 121.380(a)(2)(vi)). All other operators must maintain the records of mandatory inspections required by the applicable regulations governing their operations.

Note 3: The requirements of this AD have been met when the engine manual changes are made and air carriers have modified their continuous airworthiness maintenance plans to reflect the Engine Maintenance Program requirements specified in the GE CF34–3A1 and –3B1 Series Turbofan Engine Manual.

Effective Date

(f) This amendment becomes effective on April 12, 2002.

Issued in Burlington, Massachusetts, on February 27, 2002.

Mark C. Fulmer,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 02–5527 Filed 3–7–02; 8:45 am]

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DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Parts 734, 740, 742, and 774

[Docket No. 020228045–2045–01]

RIN 0694–AC56

Revisions to License Exception CTP: Implementation of Presidential Announcement of January 2, 2002

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Export Administration (BXA) is amending the Export Administration Regulations (EAR) by revising License Exception CTP to reflect rapid technological advances in computing capability. This rule implements the President's decision to revise U.S. export controls on high performance computers (HPCs), announced January 2, 2002. All HPCs continue to be eligible for export to a Computer Tier 1 country under License

Exception CTP. Beginning March 3, 2002, HPCs controlled by Export Control Classification Number (ECCN) 4A003 with a CTP up to 190,000 Millions of Theoretical Operations per Second (MTOPS) can be exported to Computer Tier 3 countries under License Exception CTP without advance notification. This revision also applies to electronic assemblies and specially designed components controlled by ECCN 4A003. This rule also moves Latvia from Computer Tier 3 to Computer Tier 1, effective May 2, 2002. Finally, this rule adds Australia, New Zealand, Norway, Switzerland, and Turkey to the list of countries eligible for exports and reexports of software and technology for computers with unlimited CTP under License Exception TSR. The President's action will promote our national security, enhance the effectiveness of our export control system and ease unnecessary regulatory burdens on both government and industry.

DATES: This rule is effective March 6, 2002.

FOR FURTHER INFORMATION CONTACT: Tanya Hodge Mottley in the Office of Strategic Trade and Foreign Policy Controls, Bureau of Export Administration, at (202) 482–1837.

SUPPLEMENTARY INFORMATION:

Background

The 1998 National Defense Authorization Act (NDAA) provides that the President must submit a report to Congress 60 days before raising the CTP level above which exporters must notify the Department of Commerce before exporting a computer to a Tier 3 country under License Exception CTP. License Exception CTP authorizes exports and reexports of computers, electronic assemblies, and specially designed components controlled by ECCN 4A003 to Computer Tier countries as provided by 740.7 of the EAR. On January 2, 2002, the President announced significant changes to U.S. export control policy for High Performance Computers (HPCs). This new policy was necessary to reflect rapid advancements in computer hardware, as well as identify any risk posed by HPC exports to certain end-users and countries. This policy strengthens America's high tech competitiveness, while maintaining export controls to protect U.S. national security. On January 2, 2002, the President also sent a report to Congress announcing this change.

This rule implements the President's decision to increase License Exception CTP eligibility for the export of HPCs, electronic assemblies, and specially designed components controlled by ECCN 4A003 to countries in Computer Tier 3 from 85,000 Millions of Theoretical Operations per Second (MTOPS) to 190,000 MTOPS, to reflect the widespread availability of computers. This change will become effective on March 3, 2002. Advance notification and post-shipment verification reporting provided for in the NDAA, as amended, are not required for computers that are eligible for License Exception CTP since March 20, 2001, and will not be required as a result of this rule. Beginning March 3, 2002, the advance notification level and the upper limit for License Exception CTP will be 190,000 MTOPS, so separate advance notification will not be required. However, provisions in § 742.12(b)(3)(iv) of the EAR continue to require post-shipment verification reporting for licensed exports and reexports of computers above 190,000 MTOPS, and for licensed exports of items used to enhance previously exported or reexported computers, where the CTP will be greater than 190,000 MTOPS.

This rule also implements the President's decision to remove Latvia from Computer Tier 3 and places it in Computer Tier 1. Pursuant to the NDAA, a decision to move a country from Computer Tier 3 to Computer Tier 1 is not effective until 120 days after the Congress receives a report justifying such a removal. The President included a justification in his January 2, 2002 report to Congress. Therefore, Latvia will be moved from Tier 3 to Tier 1 effective May 2, 2002.

To implement the President's decision, this rule makes the following specific amendments to the EAR.

1. This rule revises the Export Administration Regulations by modifying computer exports under License Exception CTP, as follows:

(A) Raising the CTP limit for computers eligible for License Exception CTP for exports and reexports to Computer Tier 3 destinations from ''85,000 MTOPS'' to ''190,000 MTOPS'', effective March 3, 2002; and

(B) Moving Latvia from Tier 3 to Tier 1, effective May 2, 2002.

2. This rule revises the Export Administration Regulations by modifying computer exports under section 742.12, ''High Performance Computers,'' as follows:

(A) Raising the XP control CTP level for computers that require a license to export or reexport to a country in Computer Tier 3 from 85,000 MTOPS to 190,000 MTOPS, effective March 3, 2002; and

(B) Raising the CTP level for computers that require a NDAA post shipment verification report to export or reexport to a country in Computer Tier 3 from 85,000 MTOPS to 190,000 MTOPS, effective March 3, 2002.

Other Revisions

In addition to implementing provisions from the President's January 2, 2002 announcement, this rule amends the EAR to correct an inadvertent omission. This rule adds Australia, New Zealand, Norway, Switzerland, and Turkey to the list of countries eligible for exports and reexports of software and technology for computers with unlimited CTP under License Exception TSR, to correct an inadvertent omission of countries that were either a member or designated a cooperating country of the Coordinating Committee for Multilateral Export Controls (CoCoM), these are identified in Country Group A:1 or by footnote number 1 of Supplement No. 1 to part 740 of the EAR.

To harmonize other sections of the EAR that are affected by the President's decisions, this rule raises the eligibility level for computers in License Exception GOV from a CTP greater than 85,000 MTOPS to a CTP greater than 190,000 MTOPS, effective March 3, 2002. This rule also raises the CTP limit from 85,000 MTOPS to 190,000 MTOPS for computers containing U.S.-origin controlled semiconductors (other than memory circuits) classified under ECCN 3A001 that are eligible for becoming ''not subject to the EAR'' under the *de minimis* procedures of 734.4 of the EAR when destined to Computer Tier 3, while keeping the limit at 28,000 MTOPS for computers containing U.S.-origin controlled semiconductors (other than memory circuits) classified under ECCN 3A001 or high speed interconnect devices (ECCN 4A994.j) when destined to Computer Tier 4 countries, effective March 3, 2002.

This rule makes the following specific amendments to the Commerce Control List, in Category 4—Computers:

4D001—Amended by:

(1) Reformatting the eligibility text of License Exception TSR; and

(2) Adding Australia, New Zealand, Norway, Switzerland, and Turkey to License Exception TSR eligibility.

4E001—Amended by:

(1) Reformatting the eligibility text of License Exception TSR; and

(2) Adding Australia, New Zealand, Norway, Switzerland, and Turkey to License Exception TSR eligibility.

Although the Export Administration Act expired on August 20, 2001, Executive Order 13222 of August 17,

2001 (66 FR 44025, August 22, 2001) continues the Regulations in effect under the International Emergency Economic Powers Act.

Rulemaking Requirements

1. This final rule has been determined to be not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. This regulation involves collections previously approved by the Office of Management and Budget under control numbers 0694–0088, ''Multi-Purpose Application,'' which carries a burden hour estimate of 45 minutes per manual submission and 40 minutes per electronic submission. Miscellaneous and recordkeeping activities account for 12 minutes per submission. Information is also collected under OMB control number 0694–0107, ''National Defense Authorization Act,'' Advance Notifications and Post-Shipment Verification Reports, which carries a burden hour estimate of 15 minutes per report. This rule also involves collections of information under OMB control number 0694–0073, ''Export Controls of High Performance Computers'' and OMB control number 0694–0093, ''Import Certificates and End-User Certificates.''

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. The provisions of the Administrative Procedure Act requiring notice of proposed rule making, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military or foreign affairs function of the United States (see 5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rule making and an opportunity for public comment be given for this rule. Because a notice of proposed rule making and opportunities for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Office of Exporter Services, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, D.C. 20044.

List of Subjects

15 CFR Part 734

Administrative practice and procedure, Exports, and Foreign trade.

15 CFR Part 740

Administrative practice and procedure, Exports, Foreign trade, Reporting and record keeping requirements.

15 CFR Parts 742 and 774

Exports, Foreign trade.

Accordingly, parts 734, 740, 742, and 774 of the Export Administration Regulations (15 CFR Parts 730–799) are amended as follows:

1. The authority citation for 15 CFR part 734 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp. p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, August 22, 2001; Notice of November 9, 2001, 66 FR 56965, November 13, 2001.

2. The authority citation for 15 CFR part 740 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; Sec. 901–911, Publ. L. 106–387; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, August 22, 2001.

3. The authority citation for 15 CFR part 742 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; Sec. 901–911, Publ. L. 106–387; Sec. 221, Publ. L. 107–56; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, August 22, 2001; Notice of November 9, 2001, 66 FR 56965, November 13, 2001.

4. The authority citation for 15 CFR part 774 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*, 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; Sec. 901–911, Publ. L. 106–387; Sec. 221, Publ. L. 107–56; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, August 22, 2001.

PART 734—[AMENDED]

5. Part 734 is amended by revising the phrase ''85,000 MTOPS'' to read ''190,000 MTOPS'' in § 734.4(a).

PART 740—[AMENDED]

6. Section 740.7 is amended by:

(a) Adding a sentence to the end of paragraphs (c)(1) and (d)(1), to read as follows;

(b) Revising the phrase ''equal to 85,000 MTOPS'' to read ''equal to 190,000 MTOPS'' in paragraph (d)(2).

§ 740.7 Computers (CTP).

* * * * *

(c) *Computer Tier 1.* (1) *Eligible countries.* * * * As of May 2, 2002, Latvia is a Computer Tier 1 country.

* * * * *

(d) *Computer Tier 3.* (1) *Eligible countries.* * * * As of May 2, 2002, Latvia is moved to Computer Tier 1.

* * * * *

§ 740.11 [Amended]

7. Section 740.11 is amended by revising the number ''85,000'' to read ''190,000'' in paragraphs (a)(2)(ii), (a)(2)(iii), and (c)(2)(i).

8. Supplement No. 1 to part 740.11 is amended by revising the number ''85,000'' to read ''190,000'' in paragraphs (a)(1)(ii), (a)(1)(iii), (b)(1)(ii), and (b)(1)(iii).

PART 742—[AMENDED]

§ 740.12 [Amended]

9. Section 742.12 is amended by revising the phrase ''where the CTP is greater than 85,000 MTOPS'' to read ''where the CTP is greater than 190,000 MTOPS'' in paragraph (b)(3)(iv)(A).

PART 743—[AMENDED]

§ 743.1 [Amended]

10. Section 743.1 is amended by revising the phrase, ''having a CTP level of greater than 85,000 MTOPS'' to read ''having a CTP level of greater than 190,000 MTOPS'' in the note to paragraph (c)(2).

* * * * *

PART 774—[AMENDED]

11. In Supplement No. 1 to part 774 (the Commerce Control List), Category 4—Computers is amended by revising the ''License Exceptions'' section of Export Control Classification Number (ECCNs) 4D001 and 4E001, to read as follows:

4D001 ''Software'' specially designed or modified for the ''development'',

''production'' or ''use'' of equipment or ''software'' controlled by 4A001 to 4A004, or 4D (except 4D980, 4D993 or 4D994).

* * * * *

License Exceptions

CIV: N/A

TSR: (a) N/A for:

(1) ''Software'' controlled for MT reasons;

(2) ''Software'' for equipment or ''software'' requiring a license; *or*

(3) ''Software'' described by TSR paragraph (b)(1)(ii) of this License Exception section, when exported or reexported to a destination not included in TSR paragraph (b)(1)(i) of this License Exception section.

(b) Yes for:

(1) ''Software'':

(i) Exported or reexported to Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, or the United Kingdom; and

(ii) Specially designed for the ''development'' or ''production'' of any of the following:

(A) ''Digital'' computers controlled by 4A003.b and having a CTP exceeding than 33,000 MTOPS; or

(B) ''Electronic assemblies'' controlled by 4A003.c and capable of enhancing performance by aggregation of ''computing elements'' so that the CTP of the aggregation exceeds 33,000 MTOPS; and

(2) All other ''software'' not described in TSR paragraphs (a) or (b)(1) of this License Exception section.

* * * * *

4E001 ''Technology'' according to the General Technology Note, for the ''development'', ''production'' or ''use'' of equipment or ''software'' controlled by 4A (except 4A980, 4A993 or 4A994) or 4D (except 4D980, 4D993, 4D994).

* * * * *

License Exceptions

CIV: N/A

TSR: (a) N/A for:

(1) ''Technology'' controlled for MT reasons; or

(2) ''Technology'' described by TSR paragraph (b)(2)(ii) of this License Exception, when exported or reexported to a destination not included in TSR paragraph (b)(2)(i) of this License Exception.

(b) Yes for:

(1) '' Technology'' directly related to hardware eligible for export or reexport under a License Exception;

(2) ''Technology'':

(i) Exported or reexported to Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, or the United Kingdom; and

(ii) For the ''development'' or ''production'' of any of the following:

(A) ''Digital'' computers controlled by 4A003.b and having a CTP exceeding 33,000 MTOPS;

(B) ''Electronic assemblies'' controlled by 4A003.c and capable of enhancing performance by aggregation of ''computing elements'' so that the CTP of the aggregation exceeds 33,000 MTOPS; *or*

(C) ''Software'' controlled by 4D001 and specially designed for the ''development'' or ''production'' of equipment listed in TSR paragraphs (b)(2)(ii)(A) or (b)(2)(ii)(B) of this License Exception section; *and*

(3) All other ''technology'' not described in TSR paragraphs (a), (b)(1), or (b)(2) of this License Exception section.

Dated: March 5, 2002.

James J. Jochum,

Assistant Secretary for Export Administration.

[FR Doc. 02–5562 Filed 3–5–02; 4:04 pm]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR parts 734, 738, 740, 742, 743, 748, and 774

[Docket No. 020228044–2044–01]

RIN 0694–AC42

Implementation of the Wassenaar Arrangement List of Dual-Use Items Revisions: Computers; and Revisions to License Exception CTP

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Export Administration (BXA) maintains the Commerce Control List (CCL), which identifies those items subject to Department of Commerce export licensing requirements based on their characteristics. Certain entries on the CCL implement multilateral national security controls established by the Wassenaar Arrangement on Export controls for Conventional Arms and Dual-Use Goods (the Wassenaar Arrangement), of which the United States is a founding member. The Wassenaar Arrangement controls strategic items with the objective of improving regional and international security and stability.

In this regard, on December 1, 2000, the Wassenaar Arrangement agreed to implement several changes in its List of Dual-Use Goods and Technologies. This final rule revises the CCL to implement certain agreed changes in Category 4 (Computers) of the Wassenaar List of Dual-Use Goods and Technologies, specifically in the area of computers. These changes are being implemented to reflect rapid technological advances and effective control factors. Additional changes in other categories of the Wassenaar Dual-Use List will be implemented in the CCL in a supplemental regulation.

In addition, this rule makes conforming and clarification revisions to License Exception CTP.

DATES: This rule is effective March 5, 2002.

FOR FURTHER INFORMATION CONTACT: Tanya Hodge Mottley in the Office of Strategic Trade and Foreign Policy Controls, Bureau of Export Administration, at (202) 482–1837.

SUPPLEMENTARY INFORMATION:

Background

In July 1996, the United States and thirty-two other countries gave final approval to the establishment of a new multilateral export control regime, called the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (Wassenaar Arrangement). The Wassenaar Arrangement contributes to regional and international security and stability by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilizing accumulations of such items. Participating states have committed to exchange information on exports of dual-use goods and technologies to non-participating states for the purposes of enhancing transparency and assisting in the development of a common understanding of the risks associated with the transfers of these items.

Implementation of Wassenaar Arrangement Agreement

This final rule revises certain national security control parameters for computers to implement recently agreed changes in Category 4 (Computers) of the Wassenaar List of Dual-Use Goods and Technologies. These changes are being implemented to reflect rapid technological advances and controllability factors.

A detailed description of the amendments to the Commerce Control List that are included in this rule is provided below.

Category 4—Computers:

4A001—Amended by:

(1) Revising the License Requirement section to increase the XP control levels from 6,500 MTOPS to 28,000 MTOPS, consistent with the multilaterally agreed national security level; and

(2) Correcting some typographical errors in the Related Control section.

4A002—Amended by revising the License Requirement section to increase

the XP control levels from 6,500 MTOPS to 28,000 MTOPS, consistent with the multilaterally agreed national security level.

4A003—Amended by:

(1) Revising the License Requirement section to increase the XP control levels from 6,500 MTOPS to 28,000 MTOPS, consistent with the multilaterally agreed national security level;

(2) Removing License Exception LVS eligibility for paragraphs (b) and (c), as the need for LVS MTOPS limit has been surpassed by the new, higher control threshold and BXA has determined that an eligibility level above the new threshold is not warranted; and

(3) Revising paragraph (b) in the List of Items Controlled to increase the national security (NS) control level for computers from 6,500 MTOPS to 28,000 MTOPS.

4D001—Amended by revising the License Requirement section to increase the XP control levels from 6,500 MTOPS to 28,000 MTOPS, consistent with the multilaterally agreed national security level.

4D002—Amended by:

(1) Revising the License Requirement section to increase the XP control levels from 6,500 MTOPS to 28,000 MTOPS, consistent with the multilaterally agreed national security level; and

(2) Correcting a citation reference in the XP reason for control paragraph.

4E001—Amended by revising the License Requirement section to increase the XP control levels from 6,500 MTOPS to 28,000 MTOPS, consistent with the multilaterally agreed national security level.

This rule also revises other provisions of the EAR to ensure that all regulations reflect the changes made by Wassenaar Arrangement Agreement. This rule raises the CTP level for which Wassenaar reporting is required for computers exported to non-Wassenaar members under License Exception from 6,500 MTOPS to 75,000 MTOPS. Wassenaar reporting requirements are found in part 743 of the EAR. Reports for exports to Computer Tier 3 destinations of computers having a CTP level of greater than 85,000 MTOPS, should be reported under the post shipment verification reporting provisions of § 742.12 and need not be reported under the Wassenaar reporting provisions in section § 743.1 of the EAR.

This rule also raises the CTP limit from 33,000 MTOPS to 85,000 MTOPS of computers and electronic assemblies that are eligible for export or reexport under License Exception GOV to the International Atomic Energy Agency (IAEA) and the European Atomic Energy Community (Eurotom), and reexports by these organizations for official international safeguard use, as described in § 740.11(a) of the EAR.

Finally, this rule raises the CTP limit from 33,000 MTOPS to 85,000 MTOPS of computers and electronic assemblies that are eligible for export or reexport under License Exception GOV for international inspections under the Chemical Weapons Convention, while adding a prohibition for access either physically or computationally by nationals of Cuba, Iran, Iraq, Libya, North Korea, Sudan, or Syria.

This rule also clarifies that the XP (high performance computer) reason for control in ECCNs 4A001, 4A002, 4A003, 4D001, 4D002, and 4E001, does not apply to Canada. In 1996, BXA published a regulation that restructured the entire Export Administration Regulations (61 FR 12714, March 25, 1996). Prior to the restructuring, § 785.6 of the EAR stated that, ''the general policy is to permit shipments of commodities and technical data to Canada for consumption or use in that country without an export license.'' Because XP is not a reason for control that is represented on the Commerce Country Chart created by the restructuring, and because the general policy statement for Canada was removed from the EAR during the restructuring, the EAR did not clearly state that a license is not required for items controlled under XP when destined to Canada. Therefore, this rule corrects this unintentional omission, by incorporating language into the CCL stating that XP does not apply to Canada.

This rule also corrects the license requirement for XP reasons, set forth in § 742.12(a)(1), to state that the XP license requirement does not apply when an item is eligible for export or reexport under any License Exception. This rule also clarifies, in § 742.12(a)(1), that post-shipment verification reporting or Wassenaar reporting requirements may apply to certain exports or reexports of XP controlled items under License Exceptions.

Revisions to License Exception CTP

In addition, this rule clarifies License Exception CTP and removes some provisions that have been unintentionally retained in the EAR when BXA published the rule that implemented President Clinton's January 10, 2001 announcement on computer revisions, on January 19, 2001 (66 FR 5443).

This rule makes the following specific amendments to License Exception CTP (§ 740.7 of the EAR):

(1) Clarifies the scope of the License Exception, by adding language explaining that the scope not only covers computers and specially designed components therefor, but also includes electronic assemblies;

(2) Moves the restrictions found in paragraph (a) ''scope'' to a new paragraph (b) ''restrictions'';

(3) Removes the reference to the national security control level for high performance computers (greater than 6,500 MTOPS) eligible under this License Exception for export or reexport to countries in Computer Tiers 1 or 3. This revision was added to this rule to clarify that computers having a CTP less than 28,000 MTOPS, that are controlled for parameters other than CTP, are eligible under this License Exception; and

(4) Removing paragraphs (d)(4) and (d)(5), because NDAA notification requirements and post-shipment verification reporting requirements are no longer required for computers that are eligible for License Exception CTP. The regulation that was published on January 19, 2001 (66 FR 5443) established that NDAA notification and post-shipment requirements under License Exception CTP would end on March 20, 2001. However, provisions in § 742.12(b)(3)(iv) of the EAR continue to require post-shipment verification reporting for licensed exports and reexports of computers above 85,000 MTOPS, and for licensed exports of items used to enhance previously exported or reexported computers, where the CTP is greater than 85,000 MTOPS. In addition, this rule makes the following clarifications and corrections in other provisions of the EAR to ensure that all regulations reflect the changes made by the President's January 10, 2001 announcement.

(1) As the January 19, 2001 rule moved Hong Kong and South Korea to Computer Tier 1 with eligibility under License Exception CTP for computers with unlimited CTP, this rule removes footnote number 2 from the Commerce Country Chart (Supplement No. 1 to part 738), which imposed a license requirement for computers with a CTP greater than 45,000 MTOPS to Hong Kong and South Korea. The ''X'' in NS Column 2 for Hong Kong and South Korea only represented a license requirement for items under 4A001, 4A002, and 4A003 if the CTP was greater than 45,000 MTOPS, and did not apply for any other items subject to NS Column 2; therefor, the license requirement symbol ''X'' from NS Column 2 has been removed for these countries.

(2) This rule revises § 740.16(b)(1) to remove from License Exception APR the restriction on reexports of computers with a CTP greater than 45,000 MTOPS to Hong Kong and South Korea.

(3) This rule also raises the CTP limit from 28,000 MTOPS to 85,000 MTOPS for computers containing U.S.-origin controlled semiconductors (other than memory circuits) classified under ECCN 3A001 that are eligible for becoming ''not subject to the EAR'' under the *de minimis* procedures of § 734.4 of the EAR when destined to Computer Tier 3, while keeping the limit at 28,000 MTOPS for computers containing U.S.-origin controlled semiconductors (other than memory circuits) classified under ECCN 3A001 or high speed interconnect devices (ECCN 4A994.j) when destined to Computer Tier 4 countries.

Although the Export Administration Act expired on August 20, 2001, Executive Order 13222 of August 17, 2001 (66 FR 44025, August 22, 2001) continues the Regulations in effect under the International Emergency Economic Powers Act.

Rulemaking Requirements

1. This final rule has been determined to be not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. This regulation involves collections previously approved by the Office of Management and Budget under control numbers 0694–0088, ''Multi-Purpose Application,'' which carries a burden hour estimate of 45 minutes per manual submission and 40 minutes per electronic submission. Miscellaneous and recordkeeping activities account for 12 minutes per submission. Information is also collected under OMB control number 0694–0107, ''National Defense Authorization Act,'' Advance Notifications and Post-Shipment Verification Reports, which carries a burden hour estimate of 15 minutes per report. This rule also involves collections of information under OMB control number 0694–0073, ''Export Controls of High Performance Computers'' and OMB control number 0694–0093, ''Import Certificates and End-User Certificates''.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. The provisions of the Administrative Procedure Act requiring notice of proposed rule making, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military or foreign affairs function of the United States (see 5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rule making and an opportunity for public comment be given for this rule. Because a notice of proposed rule making and opportunities for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Office of Exporter Services, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects

15 CFR Part 734

Administrative practice and procedure, Exports, Foreign trade.

15 CFR Parts 740, 743, and 748

Administrative practice and procedure, Exports, Foreign trade, Reporting and record keeping requirements.

15 CFR Parts 738 and 742

Exports, Foreign trade.

15 CFR Part 774

Exports, Foreign trade, Reporting and recordkeeping requirements.

Accordingly, parts 734, 738, 740, 742, 743, 748, and 774 of the Export Administration Regulations (15 CFR Parts 730–799) are amended as follows:

1. The authority citation for 15 CFR Part 734 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp. p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, August 22, 2001; Notice of November 9, 2001, 66 FR 56965, November 13, 2001.

2. The authority citation for 15 CFR part 738 is revised to read and the authority citation for 15 CFR part 774 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c; 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; Sec. 901–911, Publ. L. 106–387; Sec. 221, Publ. L. 107–56; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, August 22, 2001.

3. The authority citation for 15 CFR part 740 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; Sec. 901–911, Publ. L. 106–387; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, August 22, 2001.

4. The authority citation for 15 CFR part 748 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, August 22, 2001.

5. The authority citation for 15 CFR Part 742 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; Sec. 901–911, Publ. L. 106–387; Sec. 221, Publ. L. 107–56; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, August 22, 2001; Notice of November 9, 2001, 66 FR 56965, November 13, 2001.

6. The authority citation for 15 CFR part 743 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq*; Pub.L. 106–508; 50 U.S.C. 1701 *et seq*; E.O. 13206, 66 FR 18397, April 9, 2001.

PART 734—[AMENDED]

7. Part 734 is amended by revising § 734.4(a), to read as follows:

§ 734.4 *De Minimis* U.S. Content.

(a) There is no *de minimis* level for the export from a foreign country of a foreign-made computer exceeding 85,000 MTOPS containing U.S.-origin controlled semiconductors (other than memory circuits) classified under ECCN 3A001 to Computer Tier 3; or exceeding 28,000 MTOPS containing U.S.-origin controlled semiconductors (other than memory circuits) classified under ECCN 3A001 or high speed interconnect devices (ECCN 4A994.j) to Computer Tier 4 countries described in § 742.12 of the EAR.

* * * * *

PART 738—[AMENDED]

8. Supplement No. 1 to part 738 is amended by:

(a) Removing the license symbol ''X'' and the reference to footnote 2 in NS

Column 2 for Hong Kong and South Korea; and

(b) Removing footnote 2.

PART 740—[AMENDED]

9. Part 740 is amended by:

(a) Revising §§ 740.7, 740.11(c)(2)(i) and 740.16(b); and

(b) Revising the number ''45,000'' to read ''85,000'' in 740.11(a)(2)(ii), 740.11(a)(2)(iii), Supplement No. 1 to § 740.11 paragraphs (a)(1)(ii), (a)(1)(iii), (b)(1)(ii), and (b)(1)(iii), to read as follows:

§ 740.7 COMPUTERS (CTP).

(a) *Scope.* License Exception CTP authorizes exports and reexports of computers, including ''electronic assemblies'' and specially designed components therefor controlled by ECCN 4A003, exported or reexported separately or as part of a system for consumption in Computer Tier countries as provided by this section. When evaluating your computer to determine License Exception CTP eligibility, use the CTP parameter to the exclusion of other technical parameters for computers classified under ECCN 4A003.a or .b, and ''electronic assemblies'' under ECCN 4A003.c, *except* for parameters specified as Missile Technology (MT) concerns or 4A003.e (equipment performing analog-to-digital conversions exceeding the limits in ECCN 3A001.a.5.a).

(b) *Restrictions.* (1) Related equipment controlled under 4A003.d and .g may not be exported or reexported under this License Exception when exported or reexported separately from eligible computers authorized under this License Exception.

(2) Computers eligible for License Exception CTP may not be accessed either physically or computationally by nationals of Cuba, Iran, Iraq, Libya, North Korea, Sudan, or Syria, except that commercial consignees described in Supplement No. 3 to part 742 of the EAR are prohibited only from giving such nationals user-accessible programmability.

(3) Computers eligible for License Exception CTP may not be reexported or retransferred without prior authorization from BXA, i.e., a license, a permissive reexport, another License Exception, or ''No License Required''. This restriction must be conveyed to the consignee, via the Destination Control Statement, see § 758.6 of the EAR. Additionally, the end-use and end-user restrictions in paragraph (d)(3) of this section must be conveyed to any consignee in Computer Tier 3.

(4) You may not use this License Exception to export or reexport items that you know will be used to enhance the CTP beyond the eligibility limit allowed to your country of destination.

(c) *Computer Tier 1*—(1) *Eligible countries.* The countries that are eligible to receive exports under this License Exception include Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Bangladesh, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei, Burkina Faso, Burma, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Czech Republic, Chile, Colombia, Congo, Costa Rica, Cote d'Ivoire, Cyprus, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Gabon, Finland, France, Gambia (The), Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hong Kong, Hungary, Iceland, Indonesia, Ireland, Italy, Jamaica, Japan, Kenya, Kiribati, Korea (Republic of), Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Rwanda, St. Kitts & Nevis, St. Lucia, St. Vincent and Grenadines, Sao Tome & Principe, San Marino, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Surinam, Swaziland, Sweden, Switzerland, Taiwan, Tanzania, Togo, Tonga, Thailand, Trinidad and Tobago, Turkey, Tuvalu, Uganda, United Kingdom, Uruguay, Vatican City, Venezuela, Western Sahara, Western Samoa, Zaire, Zambia, and Zimbabwe.

(2) *Eligible commodities.* All computers, including electronic assemblies and specially designed components therefor are eligible for License Exception CTP to Tier 1 destinations, subject to the restrictions in paragraph (b) of this section.

(d) *Computer Tier 3*—(1) *Eligible countries.* The countries that are eligible to receive exports and reexports under this License Exception are Afghanistan, Albania, Algeria, Andorra, Angola, Armenia, Azerbaijan, Bahrain, Belarus, Bosnia & Herzegovina, Bulgaria, Cambodia, China (People's Republic of), Comoros, Croatia, Djibouti, Egypt, Georgia, India, Israel, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Laos, Latvia, Lebanon, Macau, Macedonia (The Former Yugoslav Republic of), Mauritania, Moldova, Mongolia, Morocco, Oman, Pakistan, Qatar, Russia, Saudi Arabia, Tajikistan, Tunisia, Turkmenistan, Ukraine, United Arab Emirates, Uzbekistan, Vanuatu, Vietnam, Yemen, and Federal Republic of Yugoslavia (Serbia and Montenegro).

(2) *Eligible commodities.* All computers, including electronic assemblies and specially designed components therefor having a CTP less than or equal to 85,000 MTOPS are eligible for License Exception CTP to Tier 3 destinations, subject to the restrictions in paragraphs (b) and (d)(3) of this section.

(3) *Eligible exports.* Only exports and reexports to permitted end-users and end-uses located in countries in Computer Tier 3. License Exception CTP does not authorize exports and reexports to Computer Tier 3 for nuclear, chemical, biological, or missile end-users and end-uses subject to license requirements under § 744.2, § 744.3, § 744.4, and § 744.5 of the EAR. Such exports and reexports will continue to require a license and will be considered on a case-by-case basis. Retransfers to these end-users and end-uses in eligible countries are strictly prohibited without prior authorization.

(e) *Reporting requirements.* See § 743.1 of the EAR for reporting requirements of certain items under License Exception CTP.

§ 740.11 Governments, international organizations, and international inspections under the Chemical Weapons Convention (GOV).

* * * * *

(c) * * *

(2) * * *

(i) Computers with a Composite Theoretical Performance (CTP) greater than 85,000 MTOPS. In addition, computers eligible for this provision of License Exception GOV may not be accessed either physically or computationally by nationals of Cuba, Iran, Iraq, Libya, North Korea, Sudan, or Syria. No MTOPS limit applies to exports or reexports to countries in Tier 1 (see § 740.7(b)(1) of the EAR).

* * * * *

§ 740.16 Additional Permissive Reexports (APR).

* * * * *

(b) *Reexports to and among Country Group A:1 and cooperating countries.* Reexports may be made to and among Country Group A:1 and cooperating countries, provided that eligible commodities are for use or consumption within a Country Group A:1 (see Supplement No. 1 to part 740) or cooperating country, or for reexport

from such country in accordance with other provisions of the EAR. All commodities are eligible except those controlled for nuclear nonproliferation reasons or missile technology reasons.

* * * * *

PART 742—[AMENDED]

10. Section 742.12 is amended by:

(a) Revising paragraph (a)(1);

(b) Revising paragraph (a)(3);

(c) Removing paragraph (b)(3)(i)(C);

(d) Adding a note to paragraph (b)(3)(i);

(e) Revising the phrase ''computers having a CTP greater than 6,500 MTOPS destined to'' to read ''high performance computers destined to'' in paragraph (b)(3)(iii);

(f) Revising paragraphs (b)(3)(iv)(A); and

(g) Adding a note to paragraph (b)(3)(iv)(B), to read as follows:

§ 742.12 High Performance Computers.

(a) *License and recordkeeping requirements.* (1) This section contains special provisions for exports, reexports, and certain intra-country transfers of high performance computers, including software, and technology. This section affects the following ECCNs: 4A001; 4A002; 4A003; 4D001; 4D002; and 4E001. Licenses are required under this section for ECCN's having an ''XP'' under ''Reason for Control'', unless a License Exception is available (see part 740 of the EAR). Post-shipment verification reporting or Wassenaar reporting may be required when exporting or reexporting ''XP'' items under the authorization of a License Exception (See 743.1 of the EAR for Wassenaar reporting requirements and paragraph (b)(3)(iv) of this section for post-shipment verification requirements). License requirements reflected in this section are based on particular destinations, end-users, or end-uses. For the calculation of CTP, see the Technical Note that follows the list of ECCNs for Category 4 in the Commerce Control List. Note that License Exception CTP contains restrictions on access by nationals of certain countries, and on reexports and transfers of computers.

* * * * *

(3) Exporters must keep accurate records of each export to non-Wassenaar member countries (see Supplement No. 1 to part 743 of the EAR) of a computer with a CTP greater than 75,000 MTOPS. These records must be submitted semiannually to BXA and must contain the information as described in § 743.1 of the EAR.

(b) *Licensing policy.* * * *

(3) Computer Tier 3. * * *

(i) * * *

Note to Paragraph (b)(3)(i) of This Section: Exporters are required to obtain a People's Republic of China (PRC) End-User Certificate before exporting computers described by paragraph (b)(3)(i) of this section to the PRC, regardless of value. (See § 748.10(c)(3) of the EAR for information on obtaining the PRC End-User Certificate.)

(iv) *Post-shipment verification.* * * *

(A) Exporters must file post-shipment reports for high performance computer exports, as well as exports of items used to enhance previously exported or reexported computers, where the CTP is greater than 85,000 MTOPS.

(B) * * *

Note to Paragraph (b)(3)(iv)(B) of This Section: Exporters are required to provide the PRC End-User Certificate Number to BXA as part of their post-shipment report (see paragraph (b)(3)(iv) of this section). When providing the PRC End-User Certificate Number to BXA, you must identify the transaction in the post shipment report to which that PRC End-User Certificate Number applies.

* * * * *

PART 743—[AMENDED]

11. Section 743.1 is amended by revising paragraph (c)(2) and, the note to paragraph (c)(2) and adding paragraph (e)(2) to read as follows:

§ 743.1 Wassenaar Arrangement.

* * * * *

(c) *Items for which reports are required.* * * *

(2) Reports for ''digital computers'' and ''electronic assemblies'' controlled under ECCN 4A003.b and .c are required only for computers with a composite theoretical performance (CTP) exceeding 75,000 MTOPS or computer enhancements thereof such that the CTP of the aggregation exceeds 75,000 MTOPS. Records for software controlled by 4D001 are required for software specially designed for the development or production of computers having a CTP exceeding 75,000 MTOPS. For the calculation of CTP, see the Technical Note for Category 4 in the Commerce Control List (Supplement No. 2 to part 774 of the EAR).

Note to Paragraph (c)(2): Reports for exports to Computer Tier 3 destinations (see § 740.7(d)(1) of the EAR) of computers having a CTP level of greater than 85,000 MTOPS, should be reported under the post shipment verification reporting provisions of § 742.12 of the EAR and need not be reported under the Wassenaar reporting provisions in this section of the EAR.

* * * * *

(e) * * *

(2) Reports for ''digital computers'' and ''electronic assemblies'' controlled under ECCN 4A003.b and .c must include the CTP of each computer or aggregation of computing elements in shipment.

PART 748—[AMENDED]

12. Section 748.10 is amended by revising paragraph (b)(3) to read as follows:

§ 748.10 Import and End-User Certificates.

* * * * *

(b) * * *

(3) Your transaction involves an export to the People's Republic of China (PRC) of a computer, regardless of dollar value, that requires a license application.

* * * * *

PART 774—[AMENDED]

13. In Supplement No. 1 to part 774 (the Commerce Control List), Category 4—Computers is amended by revising Export Control Classification Number (ECCN) 4A003; ''License Requirements'' and ''List of Items Controlled'' sections of ECCN 4A001; and the ''License Requirements'' section of ECCNs of 4A002, 4D001, 4D002, and 4E001 to read as follows:

4A001 Electronic computers and related equipment, and ''electronic assemblies'' and specially designed components therefor

License Requirements

Reason for Control: NS, MT, AT, NP, XP

Control(s)	*Country chart*
NS applies to entire entry.	NS Column 2.
MT applies to items in 4A001.a when the parameters in 4A101 are met or exceeded.	MT Column 1.
AT applies to entire entry.	AT Column 1.

NP applies, unless a License Exception is available. See § 742.3(b) of the EAR for information on applicable licensing review policies.

XP applies to electronic computers with a CTP greater than 28,000 MTOPS, unless a License Exception is available. XP controls vary according to destination and end-user and end-use; however, XP does not apply to Canada. See § 742.12 of the EAR for additional information.

License Requirement Notes: See § 743.1 of the EAR for reporting

requirements for exports under License Exceptions.

* * * * *

List of Items Controlled

Unit: Equipment in number; parts and accessories in $ value

Related Controls: See also 4A101 and 4A994. Equipment designed or rated for transient ionizing radiation is subject to the export licensing authority of the U.S. Department of State, Office of Defense Trade Controls. (See 22 CFR part 121.)

Related Definitions: For the purposes of integrated circuits in 4A001.a.2, 5×10^3 Gy(Si) = 5×10^5 Rads (Si); 5×10^6 Gy (Si)/s = 5×10^8 Rads (Si)/s.

Items:

a. Specially designed to have either of the following characteristics:

a.1. Rated for operation at an ambient temperature below 228 K (−45°C) or above 358 K (85°C);

Note: 4A001.a.1. does not apply to computers specially designed for civil automobile or railway train applications.

a.2. Radiation hardened to exceed any of the following specifications:

a.2.a. A total dose of 5×10^3 Gy (Si);

a.2.b. A dose rate upset of 5×10^6 Gy (Si)/s; *or*

a.2.c. Single Event Upset of $1 \times 10–7$ Error/bit/day;

b. Having characteristics or performing functions exceeding the limits in Category 5, Part 2 (''Information Security'').

4A002 ''Hybrid computers'' and ''electronic assemblies'' and specially designed components therefor

License Requirements

Reason for Control: NS, MT, AT, NP, XP

Control(s)	*Country chart*
NS applies to entire entry.	NS Column 2.
MT applies to hybrid computers combined with specially designed ''software'', for modeling, simulation, or design integration of complete rocket systems and unmanned air vehicle systems that are usable in systems controlled for MT reasons.	MT Column 1.
AT applies to entire entry.	AT Column 1.

NP applies, unless a License Exception is available. See § 742.3(b) of the EAR for information on applicable licensing review policies.

XP applies to hybrid computers with a CTP greater than 28,000 MTOPS, unless a License Exception is available. XP controls vary according to destination and end-user and end-use; however, XP does not apply to Canada. See § 742.12 of the EAR for additional information.

* * * * *

4A003 ''Digital computers'', ''electronic assemblies'', and related equipment therefor, and specially designed components therefor

License Requirements

Reason for Control: NS, MT, CC, AT, NP, XP

Control(s)	*Country chart*
NS applies to 4A003.b and .c NS.	Column 1
NS applies to 4A003.a, d, .e, and .g.	NS Column 2
MT applies to digital computers used as ancillary equipment for test facilities and equipment that are controlled by 9B005 or 9B006.	MT Column 1
CC applies to digital computers for computerized fingerprint equipment.	CC Column 1
AT applies to entire entry (refer to 4A994 for controls on digital computers with a CTP ≥ 6 but ≤ to 28,000 MTOPS).	AT Column 1

NP applies, unless a License Exception is available. See § 742.3(b) of the EAR for information on applicable licensing review policies.

XP applies to digital computers with a CTP greater than 28,000 MTOPS, unless a License Exception is available. XP controls vary according to destination and end-user and end-use; however, XP does not apply to Canada. See § 742.12 of the EAR for additional information.

Note: For all destinations, except Cuba, Iran, Iraq, Libya, North Korea, Sudan, Syria, no license is required (NLR) for computers with a CTP not greater than 28,000 MTOPS and for ''electronic assemblies'' described in 4A003.c that are not capable of exceeding a CTP greater than 28,000 MTOPS in aggregation. Computers controlled in this entry for MT reasons are not eligible for NLR.

License Requirement Notes: See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

License Exceptions

LVS: $5000; N/A for MT, b. and .c.

GBS: Yes, for 4A003.d, .e, and .g and specially designed components therefor, exported separately or as part of a system.

CTP: Yes, for computers controlled by 4A003.a or .b, and ''electronic assemblies'' controlled by 4A003.c, to the exclusion of other technical parameters, with the exception of parameters specified as controlled for Missile Technology (MT) concerns and 4A003.e (equipment performing analog-to-digital or digital-to-analog conversions exceeding the limits of 3A001.a.5.a). See § 740.7 of the EAR.

CIV: Yes, for .e, and .g.

List of Items Controlled

Unit: Equipment in number; parts and accessories in $ value

Related Controls: See also 4A994 and 4A980

Related Definitions: N/A

Items:

Note 1: 4A003 includes the following:

a. Vector processors;

b. Array processors;

c. Digital signal processors;

d. Logic processors;

e. Equipment designed for ''image enhancement'';

f. Equipment designed for ''signal processing''.

Note 2: The control status of the ''digital computers'' and related equipment described in 4A003 is determined by the control status of other equipment or systems provided:

a. The ''digital computers'' or related equipment are essential for the operation of the other equipment or systems;

b. The ''digital computers'' or related equipment are not a ''principal element'' of the other equipment or systems; and

N.B. 1: The control status of ''signal processing'' or ''image enhancement'' equipment specially designed for other equipment with functions limited to those required for the other equipment is determined by the control status of the other equipment even if it exceeds the ''principal element'' criterion.

N.B. 2: For the control status of ''digital computers'' or related equipment for telecommunications equipment, see Category 5, Part 1 (Telecommunications).

c. The ''technology'' for the ''digital computers'' and related equipment is determined by 4E.

a. Designed or modified for ''fault tolerance'';

Note: For the purposes of 4A003.a., ''digital computers'' and related equipment are not considered to be designed or modified for ''fault tolerance'' if they utilize any of the following:

1. Error detection or correction algorithms in ''main storage'';

2. The interconnection of two ''digital computers'' so that, if the active central

processing unit fails, an idling but mirroring central processing unit can continue the system's functioning;

3. The interconnection of two central processing units by data channels or by use of shared storage to permit one central processing unit to perform other work until the second central processing unit fails, at which time the first central processing unit takes over in order to continue the system's functioning; or

4. The synchronization of two central processing units by ''software'' so that one central processing unit recognizes when the other central processing unit fails and recovers tasks from the failing unit.

b. ''Digital computers'' having a ''composite theoretical performance'' (''CTP'') exceeding 28,000 million theoretical operations per second (MTOPS);

c. ''Electronic assemblies'' specially designed or modified to be capable of enhancing performance by aggregation of ''computing elements'' (''CEs'') so that the ''CTP'' of the aggregation exceeds the limit in 4A003.b.;

Note 1: 4A003.c applies only to ''electronic assemblies'' and programmable interconnections not exceeding the limit in 4A003.b. when shipped as unintegrated ''electronic assemblies''. It does not apply to ''electronic assemblies'' inherently limited by nature of their design for use as related equipment controlled by 4A003.d, or 4A003.e.

Note 2: 4A003.c does not control ''electronic assemblies'' specially designed for a product or family of products whose maximum configuration does not exceed the limit of 4A003.b.

d. Graphics accelerators and graphics coprocessors exceeding a ''three dimensional Vector Rate'' of 200,000,000;

e. Equipment performing analog-to-digital conversions exceeding the limits in 3A001.a.5;

f. Reserved.

g. Equipment specially designed to provide external interconnection of ''digital computers'' or associated equipment that allows communications at data rates exceeding 1.25 Gbyte/s.

Note: 4A003.g does not control internal interconnection equipment (e.g., backplanes, buses) passive interconnection equipment, ''network access controllers'' or ''communication channel controllers''.

* * * * *

4D001 ''Software'' Specially Designed or Modified for the ''Development'', ''Production'' or ''Use'' of Equipment or ''Software'' Controlled by 4A001 to 4A004, or 4D (Except 4D980, 4D993 or 4D994)

License Requirements

Reason for Control: NS, MT, CC, AT, NP, XP

Control(s)	*Country chart*
NS applies to ''software'' for commodities or software controlled by 4A001 to 4A004, 4D001 to 4D003.	NS Column 1.
MT applies to ''software'' for equipment controlled by 4A001 to 4A003 for MT reasons.	MT Column 1.
CC applies to ''software'' for computerized finger-print equipment controlled by 4A003 for CC reasons.	CC Column 1.
AT applies to entire entry.	AT Column 1.

NP applies, unless a License Exception is available. See § 742.3(b) of the EAR for information on applicable licensing review policies.

XP applies to ''software'' for computers with a CTP greater than 28,000 MTOPS, unless a License Exception is available. XP controls vary according to destination and end-user and end-use; however, XP does not apply to Canada. See § 742.12 of the EAR for additional information.

License Requirement Notes: See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

* * * * *

4D002 ''Software'' Specially Designed or Modified to Support ''Technology'' Controlled by 4E (Except 4E980, 4E992, and 4E993)

License Requirements

Reason for Control: NS, MT, AT, NP, XP

Control(s)	*Country chart*
NS applies to entire entry.	NS Column 1.
MT applies to ''software'' for equipment controlled by 4E for MT reasons.	MT Column 1.
AT applies to entire entry.	AT Column 1.

NP applies, unless a License Exception is available. See § 742.3(b) of the EAR for information on applicable licensing review policies.

XP applies to ''software'' for computers with a CTP greater than 28,000 MTOPS, unless a License Exception is available. XP controls vary according to destination and end-user and end-use; however, XP does not apply to Canada. See § 742.12 of the EAR for additional information.

* * * * *

4E001 ''Technology'' According to the General Technology Note, for the ''Development'', ''Production'' or ''Use'' of Equipment or ''Software'' Controlled by 4A (Except 4A980, 4A993 or 4A994) or 4D (Except 4D980, 4D993, 4D994).

License Requirements

Reason for Control: NS, MT, CC, AT, NP, XP

Control(s)	*Country chart*
NS applies to ''technology'' for commodities or software controlled by 4A001 to 4A004, 4D001 to 4D003.	NS Column 1.
MT applies to ''technology'' for items controlled by 4A001 to 4A003 4A101, 4D001, 4D102 or 4D002 for MT reasons.	MT Column 1.
CC applies to ''technology'' for computerized fingerprint equipment controlled by 4A003 for CC reasons.	CC Column 1.
AT applies to entire entry.	AT Column 1.

NP applies, unless a License Exception is available. See § 742.3(b) of the EAR for information on applicable licensing review policies.

XP applies to ''technology'' for computers with a CTP greater than 28,000 MTOPS, unless a License Exception is available. XP controls vary according to destination and end-user and end-use, however, XP does not apply to Canada. See § 742.12 of the EAR for additional information.

License Requirement Notes: See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

* * * * *

Dated: March 5, 2002.

James J. Jochum,

Assistant Secretary for Export Administration.

[FR Doc. 02–5563 Filed 3–5–02; 4:04 pm]

BILLING CODE 3510–33–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Tampa 01–097]

RIN 2115–AA97

Security Zones; Port of Tampa, Tampa, Florida

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary security zones of 100 yards around cruise ships moored in the Port of Tampa, Florida. The purpose of these security zones is to safeguard the public and ports from destruction, loss, or injury from sabotage or other subversive acts. No person or vessel may enter security zones without permission from the Captain of the Port, Tampa, Florida or his designated representative.

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 Tampa 01–097 and are available for inspection or copying at Marine Safety Office Tampa, 155 Columbia Drive, Tampa, Florida 33606–3598 between 7:30 a.m. and 3 p.m. Monday through Friday, except Federal holidays.

DATES: This regulation is effective from 6 p.m. on September 26, 2001 until 6 p.m. on June 15, 2002.

FOR FURTHER INFORMATION CONTACT: LT David McClellan, Coast Guard Marine Safety Office Tampa, at (813) 228–2189.

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 and delaying its effective date would be contrary to the public interest since immediate action is needed to protect the public, ports and waterways of the United States. The Coast Guard will issue a broadcast notice to mariners and place Coast Guard vessels in the vicinity of these zones to advise mariners of the restriction.

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**.

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 sabotage or other subversive activity could be launched by vessels or persons in close proximity to the Port of Tampa, Florida, moored cruise vessels or cruise ship terminals. The purpose of these security zones is to safeguard the public and ports from sabotage or other subversive acts.

Coast Guard and local police department patrol vessels will be on scene to monitor traffic through these areas. Entry into these security zones is prohibited, unless specifically authorized by the Captain of the Port, Tampa, Florida. The Captain of the Port will notify the public via Marine Safety Radio Broadcast on VHF Marine Band Radio, Channels 13 and 16 (157.1 MHz) of all active security zones in port by identifying the names of the vessels around which they are centered.

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 the zones only extends 100 yards around moored cruise ships and vessels may be allowed to enter the zones with the permission of the Captain of the Port of Tampa.

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.

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 small entities may be allowed to enter on a case by case basis with the authorization of the Captain of the Port.

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 can 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 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 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 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. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

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), Reports 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.T07–170 is added to read as follows:

§ 165.T07–170 Security Zones; Port of Tampa, Tampa Florida.

(a) *Regulated area.* Temporary security zones are established 100 yards around moored cruise ships in Tampa, Florida. No vessel shall be allowed within 100 yards of the moored cruise ship without permission from the Coast Guard.

(b) *Regulations.* In accordance with the general regulations in § 165.33 of this part, entry into these zones is prohibited except as authorized by the Captain of the Port, or a Coast Guard commissioned, warrant, or petty officer designated by him. The Captain of the Port will notify the public via Marine Safety Radio Broadcast on VHF Marine Band Radio, Channels 13 and 16 (157.1 MHz) of all active security zones in port by identifying the names of the vessels around which they are centered.

(c) *Dates.* This section is effective from 6 p.m. on September 26, 2001 until 6 p.m. on June 15, 2002.

Dated: September 26, 2001.

A.L. Thompson, Jr.,

Captain, U.S. Coast Guard, Captain of the Port Tampa, Florida.

[FR Doc. 02–5465 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 36

RIN 2900–AJ86

Loan Guaranty: Advertising and Solicitation Requirements; Correction

AGENCY: Department of Veterans Affairs.

ACTION: Final rule; correction.

SUMMARY: In a document published in the **Federal Register** on March 1, 2002 (67 FR 9402), we amended VA's loan guaranty regulations by prohibiting advertisements or solicitations from lenders that falsely state or imply that they were issued by or at the direction of VA or any other entity of the United States Government. The document contains a typographical error in the ''Approved'' date section. This document corrects that typographical error.

EFFECTIVE DATE: This correction is effective March 1, 2002.

FOR FURTHER INFORMATION CONTACT: R.D. Finneran, Assistant Director for Loan Policy and Valuation (262), Loan guaranty Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–7368.

SUPPLEMENTARY INFORMATION: In rule FR Doc. 02–4866, published on March 1, 2002 (67 FR 9402), on page 9402, in column 3, the date ''December 3, 2002'' is corrected to read ''December 3, 2001''.

Approved: March 1, 2002.

Thomas O. Gessel,

Director, Office of Regulatory Law.

[FR Doc. 02–5661 Filed 3–7–02; 8:45 am]

BILLING CODE 8320–01–M

POSTAL SERVICE

39 CFR Part 111

Domestic Mail Manual Changes for Bedloaded Bundles of Periodicals

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service is eliminating the option in the Domestic Mail Manual that allows mailers to bedload bundles (more than one package strapped together) of Periodicals flat-size mail.

EFFECTIVE DATE: March 31, 2002.

FOR FURTHER INFORMATION CONTACT: Anne Emmerth at (703) 292–3641.

SUPPLEMENTARY INFORMATION: On December 20, 2001, the Postal Service published a proposed rule in the **Federal Register** (66 FR 65668) soliciting comments on a proposal to delete the standards in the *Domestic Mail Manual* (DMM) that allow bundles (more than one package strapped together) of Periodicals flat-size mail to be bedloaded instead of placed in sacks or on pallets.

Current DMM M210.5.0 and M220.5.0 allow authorized mailers to place packages of Presorted rate and carrier route rate Periodicals flats directly into a truck or trailer if the packages are secured together into bundles containing a minimum of 20 pounds of mail (instead of sacking or palletizing those packages). Such preparation is optional and requires Postal Service authorization from Business Mailer Support at Headquarters.

Postal Service records indicate that there are no mailers who are preparing mail in this manner.

We received no comments opposing the proposal and one comment in support of eliminating this mail preparation option. The commenter, a large commercial printer, supports the Postal Service's efforts to streamline

mail processing operations and reduce overall costs.

Because of the response received, and because bedloaded bundles are generally not cost-efficient for the Postal Service to handle and process, the Postal Service is removing the option to prepare Periodicals flats as bedloaded bundles. Effective March 31, 2002, all Periodicals flats must be prepared in sacks or on pallets.

This change does not apply to mailers who transport packages of Periodicals to destination delivery units under exceptional dispatch.

For the reasons discussed above, the Postal Service hereby adopts the following amendments to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations (see 39 CFR part 111).

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

2. Amend the following sections of the Domestic Mail Manual (DMM) as set forth below:

M Mail Preparation and Sortation

M000 General Preparation Standards

M010 Mailpieces

M011 Basic Standards

1.0 Terms and Conditions

* * * * *

1.3 Preparation Instructions

[Delete item z, which defines a ''bundle.'' Renumber items aa through ac as items z through ab, respectively.]

* * * * *

M013 Optional Endorsement Lines

1.0 Use

1.1 Basic Standards

[Revise 1.1 by deleting the entry for SCF.]

* * * * *

M200 Periodicals (Nonautomation)

M210 Presorted Rates

* * * * *

[Delete section 5.0, Bedloaded Bundles (Flat-Size Pieces). Renumber section 6.0 as 5.0.]

* * * * *

M220 Carrier Route Rates

* * * * *

[Delete section 5.0, Bedloaded Bundles (Flat-Size Pieces). Renumber section 6.0 as 5.0.]

* * * * *

This change will be published in a future issue of the Domestic Mail Manual. An appropriate amendment to 39 CFR 111 to reflect these changes will be published.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 02–5657 Filed 3–7–02; 8:45 am]

BILLING CODE 7710–12–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[IN139–1a; FRL–7155–3]

Approval and Promulgation of State Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving a negative declaration submitted by the State of Indiana which indicates that the State does not need regulations covering existing Small Municipal Waste Combustors (MWC) units. Indiana submitted its negative declaration regarding this category of sources in letters dated November 7, 2001, and December 3, 2001. The declaration was based on a systematic search of the State's internal databases, which resulted in the determination that there are no affected small MWC units in Indiana.

DATES: This rule is effective on May 7, 2002, unless EPA receives adverse written comments by April 8, 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 should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

A copy of the negative declaration is available for inspection at the U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone John Paskevicz at (312) 886–6084 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: John Paskevicz, Environmental Engineer, Regulation Development Section, Air Programs Branch (AR–18J), EPA, Region 5, Chicago, Illinois 60604, (312) 886–6084.

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

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I. What Is the Background for This Action?
II. Negative Declarations and Their Justification.
III. EPA Review of Indiana's Negative Declaration.
IV. Administrative Requirements.

I. What is the Background for This Action?

On December 6, 2000, the EPA finalized a rule for small MWC units. EPA promulgated this rule based on sections 111(d) and 129 of the Clean Air Act (Act) Amendments of 1990. The federal rule includes emission guidelines for existing units and standards of performance for new, modified or reconstructed sources. EPA published the rule for existing small MWC units in the **Federal Register** on December 6, 2000, (65 FR 76378), to be codified at 40 CFR part 60, subpart BBBB (Emission Guidelines for Small Municipal Waste Combustion Units.) EPA published rules for new, modified and reconstructed small MWC units in the **Federal Register** on December 6, 2000, (65 FR 76350), to be codified at 40 CFR part 60, subpart AAAA (New Source Performance Standards for New Small Municipal Waste Combustion Units). The regulatory text and other background information for these final rulemakings can be accessed electronically from the EPA Technology Transfer Network website. For small MWC the website address is: *http://www.epa.gov/ttn/atw/129/mwc/rimwc2.html*

Sections 111(d) and 129 of the Act require States in which a designated existing facility is operating one or more small MWC units to submit to EPA a plan to implement and enforce the emission guidelines. If, however, there are no small MWC units and the State therefore chooses not to develop and submit such a plan, it must submit a negative declaration letter. (40 CFR 60.1510, 62.06.) Section 129 of the Act requires that the State plan be at least as protective as the emission guidelines and must provide for compliance by the affected facilities no later than 3 years after EPA approves the State plan, but no later than 5 years after EPA promulgates the emission guidelines. Sections 111(d) and 129 of the Act also require EPA to develop, implement and

enforce a Federal Implementation Plan if a State fails to submit an approvable State plan. The small MWC plan must address regulatory applicability, increments of progress for retrofit, operator training and certification, operating practices, emission limits, continuous emission monitoring, stack testing, record keeping, and reporting, and requirements for air curtain combustors. States are required to follow the requirements of 40 CFR part 60, subpart B, and 40 CFR part 62, regarding the adoption and submittal of State plans for designated facilities.

In addition to the publication of the emission guidelines document, EPA notified each of the States of the requirements listed in the rule. On February 23, 2001, EPA, Region 5 asked Indiana to provide information so EPA could determine if the State was required to develop and submit the required plan. The State began a detailed review of its internal databases at the Office of Land Quality to ascertain the status of small MWC facilities. This effort resulted in a determination there were no small MWC units and culminated in the State's request for a negative declaration.

II. Negative Declarations and Their Justification

The EPA does not require States to develop plans or regulations to control emissions from sources for which there are none present in the State (40 CFR 62.06). If the State thinks that there may be some small MWC units in operation, it should examine available records on these sources before initiating the planning and regulation development process. If after a careful examination of available information, the State finds no sources for this source category, then it may prepare and submit to EPA a negative declaration stating there are no sources in the State which match this source category. This is done in lieu of submitting a control strategy.

On November 7, 2001, the State of Indiana submitted to EPA a negative declaration regarding the need for a regulation covering small MWC units. The State supplemented this submission on December 3, 2001. The Indiana Department of Environmental Management (IDEM) reviewed its Office of Land Quality rules, 329 IAC 11–17–1, which call for permits for solid waste processing facilities. IDEM evaluated the applicability criteria in the final emission guidelines (40 CFR part 60, subpart BBBB, 40 CFR 60.1550 through 60.1565) and searched a database containing the applicable records. Three facilities were identified but found to be either a ''major source'' and thus subject to the large MWC emission guideline at 40 CFR part 60, subpart Cb, or a source subject to the Hospital and Medical Infectious Waste Incinerator (HMIWI) rule at 40 CFR part 60, subpart Ce. These sources are referenced by the State in its letter submitting the negative declaration.

The State also searched a second database as a source of information on small MWC units. This database is part of the State's Office of Air Quality emission reporting system developed under Indiana emission reporting rule, 326 IAC 2–6, and contains emission information for sources at the process level. Indiana searched in this database by Source Classification Codes (SCC) for solid waste or refuse-derived fuel combustion processes. The SCCs selected included 101–012–02, 103–012–02, and 501–001–01 through 501–001–05. They identified only sources that are subject to the large MWC and HMIWI emission guidelines. No small MWC sources sizes were found. Based on this search, the IDEM concluded that there are no affected small MWC units in Indiana.

This conclusion is consistent with an inventory review conducted in May 1998 by EPA Regional Offices and State air pollution control agencies. Those agencies did not find any small MWC units in Indiana.

III. EPA Review of Indiana's Negative Declaration

EPA has examined the State's negative declaration regarding the lack of need for a regulation controlling emissions from small MWC units. EPA agrees that, at this time, there appear to be no unregulated small incinerators in Indiana which would require the adoption of rules to control this source category. If a new source chooses to construct in Indiana, it would be required to comply with new source performance standard requirements published for small MWC units on December 6, 2000 (65 FR 76350). If, at a later date, an existing small MWC unit is identified in the State, the Federal plan implementing the emission guidelines contained in subpart BBBB will automatically apply to that MWC unit until the State develops a plan and EPA approves it. 40 CFR 60.1530.

EPA is publishing this action without prior proposal because EPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the State's negative declaration should adverse written comments be filed. This action will be effective without further notice unless EPA receives relevant adverse written comment by April 8, 2002. Should EPA receive such comments, it will publish a final rule informing the public that this action will not take effect. Any parties interested in commenting on this action should do so at this time. If no comments are received, the public is advised that this action will be effective on May 7, 2002.

IV. 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. 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 Indiana's declaration that there are no small MWC's located in Indiana which would be subject to an MWC regulation if one were adopted. Therefore, the State does not need to adopt a MWC regulation. Any new MWC's built in Indiana will be subject to New Source Performance Standards. 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). 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 declaration that a rule implementing a federal standard, is unnecessary and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. 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 a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. 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.*).

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**. 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 May 7, 2002 unless EPA receives adverse written comments by April 8, 2002.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 7, 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 in 40 CFR Part 62

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

Dated: February 28, 2002.

Norman Niedergang,

Acting Regional Administrator, Region 5.

For the reasons stated in the preamble, part 62, 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 P—Indiana

2. A new center heading and § 62.3645 are added to read as follows:

Emissions From Small Municipal Waste Combustion Units With the Capacity to Combust at Least 35 Tons Per Day of Municipal Solid Waste But No More Than 250 Tons Per Day of Municipal Solid Waste and Commenced Construction on or Before Aust 30, 1999

§ 62.3645 Identification of plan—negative declaration.

On November 7, 2001, and December 3, 2001, the State of Indiana certified to the satisfaction of the United States Environmental Protection Agency that no sources categorized as small Municipal Waste Combustors are located in the State of Indiana.

[FR Doc. 02–5598 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301219; FRL–6827–1]

RIN 2070–AB78]

2,4-D; Time-Limited Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation extending the time-limited tolerance for residues of 2,4-D in or on soybeans. Industry Task Force II on 2,4-D Research Data requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act (FQPA) of 1996. The tolerance will expire on December 31, 2004.

DATES: This regulation is effective March 8, 2002. Objections and requests for hearings, identified by docket control number OPP–301219 must be received by EPA on or before May 7, 2002.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301219 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Joanne I. Miller, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–6224; and e-mail address: miller.joanne@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS Codes	Examples of Potentially Affected Entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action

to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents''. You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. A frequently updated electronic version of 40 CFR part 180 is available at http://www.access.gpo.gov/nara/cfr/cfrhtml_180/Title_40/40cfr180_00.html, a beta site currently under development.

2. *In person*. The Agency has established an official record for this action under docket control number OPP–301219. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of October 24, 2001 (66 FR 53791) (FRL–6803–5), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the FQPA (Public Law 104–170) announcing the filing of a pesticide petition (PP) for tolerance by the Industry Task Force II on 2,4-D Research Data, McKenna and Cuneo, 1900 K Street, NW., Washington, DC 20006–1108. This notice included a summary of the petition prepared by Industry Task Force II on 2,4-D Research Data, the registrant. The Agency received one public comment in response to this notice from the World Wildlife Fund (WWF) in a letter from K. Thayer et al dated November 21, 2001 (Docket No. PF–1045). The WWF's comment concerned the size of the FQPA Safety Factor and are further discussed in the Safety Factor for Infants and Children section below.

The petition requested that 40 CFR 180.142 be amended by extending the time-limited tolerance for residues of the herbicide 2,4-D, 2,4-dichlorophenoxyacetic acid, in or on soybeans at 0.02 part per million (ppm). The tolerance will expire on December 31, 2004.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe''. Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information''. This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances November 26, 1997 (62 FR 62961) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a tolerance for residues of 2,4-D on soybeans at 0.02 ppm. EPA's assessment of exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by 2,4-D are discussed below as well as the no observed adverse effect level (NOAEL) and the lowest observed adverse effect level (LOAEL) from the toxicity studies reviewed.

An oral LD_{50} of 2,4-D acid is 699 milligrams/kilograms (mg/kg) in the rat. The dermal LD_{50} in the rabbit is > 2,000 mg/kg. The acute inhalation LC_{50} in the rat is > 1.8 mg/liter. A primary eye irritation study in the rabbit showed severe irritation. A dermal irritation study in the rabbit showed moderate irritation. A dermal sensitization study in the guinea pig showed no skin sensitization. An acute neurotoxicity study in the rat produced a NOAEL of 227 mg/kg for systemic toxicity and a neurobehavioral NOAEL of 67 mg/kg with a LOAEL of 227 mg/kg.

Mutagenicity studies including gene mutation, chromosomal aberrations, and direct DNA damage tests were negative for mutagenic effects.

A 2–generation reproduction study was conducted in rats with NOAELs for parental and developmental toxicity of 5 mg/kg/day. The LOAELs for this study are established at 20 mg/kg/ day based on reductions in body weight gain in F_0 and F_{2b} pups, and reduction in pup weight at birth and during lactation. A teratology study in rabbits given gavage doses at 0, 10, 30, and 90 mg/kg on days 6 through 18 of gestation was negative for developmental toxicity at all doses tested. A teratology study in rats given gavage doses at 0, 8, 25, and 75 mg/kg on days 6 through 15 of gestation was negative for developmental toxicity at all doses tested. A NOAEL for fetotoxicity was established at 25 mg/kg/day based on delayed ossification at the 75 mg/kg dose level. The effects on pups occurred in the presence of parental toxicity.

A subchronic dietary study was conducted with mice fed diets containing 0, 1, 15, 100, and 300 mg/kg/day with a NOAEL of 15 mg/kg/day. The LOAEL was established at 100 mg/kg/day based on decreased glucose and thyroxine levels, increases in absolute and relative kidney weights, and histopathological lesions in the liver and kidneys. A 90–day dietary study in

rats fed diets containing 0, 1, 15, 100, or 300 mg/kg/day resulted in a NOAEL of 15 mg/kg/day and a LOAEL of 100 mg/kg/day. The LOAEL was based on decreases in body weight and food consumption, alteration in clinical pathology, changes in organ weights, and histopathological lesions in the kidney, liver, and adrenal glands of both sexes of rats. A 90–day feeding study was conducted in dogs fed diets containing 0, 0.3, 1, 3, and 10 mg/kg/day with a NOAEL of 1 mg/kg/day. The LOAEL was established at 3 mg/kg/day based on histopathological changes in the kidneys of male dogs.

A 1–year dietary study was conducted in the dog using doses of 0, 1, 5, and 7.5 mg/kg/day. The NOAEL was 1 mg/kg/day and the LOAEL was 5 mg/kg/day based on clinical chemistry changes and histopathological lesions in the liver and kidney. A 2–year feeding/carcinogenicity study was conducted in mice fed diets containing 0, 1, 15, and 45 mg/kg/day with a NOAEL of 1 mg/kg/day. The systemic LOAEL was established at 15 mg/kg/day based on increased kidney and adrenal weights and homogeneity of renal tubular epithelium due to cytoplasmic vacuoles. No carcinogenic effects were observed under the conditions of the study at any dosage level tested. A second 2–year oncogenicity study was conducted in mice fed diets containing 0, 5, 62.5, and 125 mg/kg/day (males) and 0, 5, 150, and 300 mg/kg/day (females). No treatment-related oncogenicity was observed. A 2–year feeding/carcinogenicity study was conducted in rats fed diets containing 0, 1, 15, and 45 mg/kg/day with a NOAEL of 1 mg kg/day. Although there appeared to be a slight treatment-related incidence of benign brain tumors (astrocytomas) in male rats fed diets containing 45 mg/kg/day, two different statistical evaluations found no strong statistical evidence of carcinogenicity in male rats. There were no carcinogenic effects observed in female rats. A second 2–year feeding/carcinogenicity study was conducted in rats fed diets containing 0, 5, 75, and 150 mg/kg/day. The NOAEL was 5 mg/kg/day and the LOAEL was 75 mg/kg/day based on decreased body weight, body weight gain, and food consumption; clinical chemistry changes; organ weight changes and histopathological lesions. No treatment-related carcinogenic effects or increased incidences of astrocytomas were observed.

The metabolism of phenyl ring labeled ^{14}C–2,4-D was studied in the rat following a single intravenous or oral dose of approximately 1 mg/kg/day. At 48 hours after treatment, recovery of radioactivity in urine was in excess of 98%. Parent 2,4-D was the major metabolite (72.9% to 90.5%) found in the urine.

B. Toxicological Endpoints

The dose at which the NOAEL from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified, is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intra species differences.

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (acute RfD or chronic RfD) where the RfD is equal to the NOAEL divided by the appropriate UF (RfD = NOAEL/UF). Where an additional safety factor is retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the refrence dose (RfD) by such additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA Safety Factor.

For non-dietary risk assessments (other than cancer) the UF is used to determine the LOC. For example, when 100 is the appropriate UF (10X to account for interspecies differences and 10X for intraspecies differences) the LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = NOAEL/exposure) is calculated and compared to the LOC.

The linear default risk methodology (Q^*) is the primary method currently used by the Agency to quantify carcinogenic risk. The Q^* approach assumes that any amount of exposure will lead to some degree of cancer risk. A Q^* is calculated and used to estimate risk which represents a probability of occurrence of additional cancer cases (e.g., risk is expressed as 1×10^{-6} or one in a million). Under certain specific circumstances, MOE calculations will be used for the carcinogenic risk assessment. In this non-linear approach, a ''point of departure'' is identified below which carcinogenic effects are not expected. The point of departure is typically a NOAEL based on an endpoint related to cancer effects though it may be a different value derived from the dose response curve. To estimate risk, a ratio of the point of departure to exposure (MOE_{cancer} = point of departure/exposures) is calculated. A summary of the toxicological endpoints for 2,4-D used for human risk assessment is shown in the following Table 1.

TABLE 1.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR 2,4-D FOR USE IN HUMAN RISK ASSESSMENT

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA* SF and Endpoint for Risk Assessment	Study and Toxicological Effects
Acute Dietary (females 13–50 years of age)	NOAEL = 25 mg/kg/day UF = 100 Acute RfD = 0.25 mg/kg/day	FQPA SF = 3 aPAD = 0.083 mg/kg/day	LOAEL = 75 mg/kg/day based on skeletal variations, reduced ossification of the vertebral arches, and unossified sternebrae observed in the prenatal developmental study in rats
Acute Dietary (general population including infants and children)	NOAEL = 67 mg/kg/day UF = 100 Acute RfD = 0.67 mg/kg/day	FQPA SF = 3 aPAD = 0.22 mg/kg/day	LOAEL = 227 mg/kg/day based on increased incidence of incoordination and slight gait abnormalities in both sexes on Day 1 FOB measurements in the acute neurotoxicity study in rats

TABLE 1.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR 2,4-D FOR USE IN HUMAN RISK ASSESSMENT—Continued

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA* SF and Endpoint for Risk Assessment	Study and Toxicological Effects
Chronic Dietary (all Populations)	NOAEL = 1 mg/kg/day UF = 100 Chronic RfD = 0.01 mg/kg/day	FQPA SF = 3 cPAD = 0.0033 mg/kg/day	LOAEL = 5 mg/kg/day based on alterations in serum chemistry with corroborative histopathological lesions in the liver and kidneys in the chronic dog study
Short-Term Incidental Oral (1 day to 1 month)	NOAEL = 25 mg/kg/day UF = 100	FQPA SF = 3 LOC for MOE = 300	LOAEL = 75 mg/kg/day based on non-significant decrease in body weight gain during the dosing period (maternal effects) in the rat developmental study
Intermediate-Term Incidental Oral (1 month to 6 months)	NOAEL = 1 mg/kg/day UF = 100	FQPA SF = 3 LOC for MOE = 300	LOAEL = 5 mg/kg/day (see chronic dietary)
Short-Term Dermal (1 day to 1 month)	NOAEL = 25 mg/kg/day UF = 100 Dermal absorption rate = 5.8%	FQPA SF = 3 (residential) LOC for MOE = 300 (residential) LOC for MOE = 100 (worker)	LOAEL = 75 mg/kg/day (see acute dietary f 13-50)
Intermediate-Term Dermal (1 month to 6 months)	NOAEL = 1 mg/kg/day UF = 100 Dermal absorption rate = 5.8%	FQPA SF = 3 (residential) LOC for MOE = 300 (residential) LOC for MOE = 100 (worker)	LOAEL = 5 mg/kg/day (see chronic dietary)
Short- and Intermediate-Term Inhalation	N/A	N/A	Not required based on $LC_{50} \leq 1.79$ mg/L and Toxicity Category III
Cancer	N/A	N/A	Classified as a Group D chemical (not classifiable as to human carcinogenicity)

*The reference to the FQPA Safety Factor refers to any additional safety factor retained due to concerns unique to the FQPA.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Tolerances have been established (40 CFR 180.142) for the residues of 2,4-D, in or on a variety of raw agricultural commodities. A time limited tolerance of 0.1 ppm was previously established for residues of 2,4-D on soybeans resulting from the preplant use of 2,4-D ester or amine 40 CFR 180.142(a)(11). In order for EPA to recommend favorably for the establishment of permanent tolerances on soybeans, additional field trial data and processing data were required. In response, the Industry Task Force II on 2,4-D Research Data (Task Force II) submitted field residue data on soybeans. EPA has reviewed these data and concluded that a temporary tolerance of 0.02 ppm is appropriate for soybean. Task Force II has thus proposed to extend the soybean tolerance to December 31, 2004 at a level of 0.02 ppm. Risk assessments were conducted by EPA to assess dietary exposures from 2,4-D in food as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. The Dietary Exposure Evaluation Model (DEEM®) analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the acute exposure assessments: The acute exposure analysis for all subgroups was performed using tolerance-level residues (with the exception of anticipated residues on citrus) and 100 percent crop treated. Using these assumptions, acute dietary exposure from food to 2,4-D will occupy 7.3% of the acute population adjusted dose (aPAD) for the U.S. population, 12% of the aPAD for females 13 years and older, 9.4% of the aPAD for infants less than 1 year old, 12% of the aPAD for children 1 – 6 years old, and 8.8% of the aPAD for children 7 – 12 years old.

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment the DEEM® analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the chronic exposure assessments: The chronic exposure analysis for all subgroups was performed using anticipated residues on the most highly consumed food items (and tolerance-level residues on the remaining food items) and percent crop treated data for various crops. Using these assumptions, chronic dietary exposure to 2,4-D from food will utilize 24% of the chronic popolation adjusted dose (cPAD) for the U.S. population, 20% for females 13 years and older, 19% of the cPAD for infants less than 1 year old, 46% of the cPAD for children 1 – 6 years old, and 36% of the cPAD for children 7 – 12 years old.

Section 408(b)(2)(E) authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide chemicals that have been measured in food. If EPA relies on such information, EPA must require that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. Following the initial data submission, EPA is authorized to

require similar data on a time frame it deems appropriate. As required by section 408(b)(2)(E), EPA will issue a data call-in for information relating to anticipated residues to be submitted no later than 5 years from the date of issuance of this tolerance.

Section 408(b)(2)(F) states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if the Agency can make the following findings: Condition 1, that the data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain such pesticide residue; Condition 2, that the exposure estimate does not underestimate exposure for any significant subpopulation group; and Condition 3, if data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area. In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of percent crop treated (PCT) as required by section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency used percent crop treated (PCT) information as follows.

Crop	Percent crop treated
Asparagus	13
Barley	37
Corn (pop)	15
Corn (sweet)	9
Barley	37
Grapefruit	2
Lemons	1
Oats	15
Oranges	4
Rice	14
Rye	1
Sorghum	13
Sugarcane	35
Tangerines	4
Wheat	34
Wheat germ oil	55

The Agency believes that the three conditions listed above have been met. With respect to Condition 1, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. EPA uses a weighted average PCT for chronic dietary exposure estimates. This weighted average PCT figure is derived by averaging State-level data for a period of up to 10 years, and weighting for the more robust and recent data. A weighted average of the PCT reasonably represents a person's dietary exposure over a lifetime, and is unlikely to underestimate exposure to an individual because of the fact that pesticide use patterns (both regionally and nationally) tend to change continuously over time, such that an individual is unlikely to be exposed to more than the average PCT over a lifetime. For acute dietary exposure estimates, EPA uses an estimated maximum PCT. The exposure estimates resulting from this approach reasonably represent the highest levels to which an individual could be exposed, and are unlikely to underestimate an individual's acute dietary exposure. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation. As to Conditions 2 and 3, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available information on the regional consumption of food to which 2,4-D may be applied in a particular area.

2. *Dietary exposure from drinking water*. Information is available from the U.S. Geological Survey (USGS) National Water Quality Assessment (NAWQA) program concerning residues of 2,4-D in water. Regarding groundwater, USGS-NAWQA monitoring data indicate a maximum 2,4-D concentration in groundwater of 14.8 ppb. Therefore, the exposure value of 14.8 ppb will be used in both the chronic aggregate risk and acute aggregate risk assessments for groundwater. Regarding surface water, an assessment of USGS-NAWQA monitoring data indicate a maximum ambient 2,4-D concentration of 15.0 ppb in rivers and streams. Therefore, the exposure value of 15 ppb will be used for chronic aggregate risk assessment for surface water. For acute aggregate risk assessment for surface water, however, calculations indicate that direct water application of 2,4-D will yield the highest water concentrations for all labeled 2,4-D use patterns. The value for the water concentrations calculated from direct water application of 2,4-D is 1,561 ppb; therefore, the exposure value of 1,561 ppb will be used in acute aggregate risk assessment for surface water.

Drinking water levels of comparison (DWLOCs) are calculated and used as a point of comparison against the estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, and from residential uses. Since DWLOCs address total aggregate exposure to 2,4-D, they are further discussed in the aggregate risk sections below.

3. *From non-dietary exposure*. The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

2,4-D is currently registered for use on the following residential non-dietary sites: ornamental turf, lawns, and grasses, golf course turf, recreational areas, and several other indoor and outdoor uses. The risk assessment was conducted using the following residential exposure assumptions: There are chemical-specific and site-specific data available to determine the potential risks associated with residential exposures from the registered uses of 2,4-D. Dislodgeable residues of 2,4-D taken during exposure sessions showed a rapid decline from 1 hour following application (8%) to 24 hours following applications (1%). No detectable residues were found in urine samples supplied by volunteers exposed to sprayed turf 24 hours following application. Intermediate-term postapplication exposure is thus not expected. The following assessments are based on the available chemical specific data.

i. *Chronic exposure and risk*. Although a chronic endpoint was chosen, this risk assessment was not conducted because there is no chronic exposure scenario for this use.

ii. *Short- and intermediate-term exposure and risk*. For short-term dermal margin of exposure (MOE) calculations, EPA used the maternal NOAEL of 30 mg/kg/day from the oral developmental toxicity study in rabbits. The LOAEL of 90 mg/kg/day was based on abortions, clinical signs (ataxia, decreased motor activity, and cold extremities during gestation), and decreased body weight gain. For acute toxicity, EPA reduced the FQPA factor of 10 to 3 for females 13+ and removed the FQPA factor for all other population subgroups. As the short-term and acute endpoints are based on the oral developmental toxicity study, this decision is also applicable to the short-

term, nonoccupational assessment. Therefore, based on this recommendation, the MOE needed for females 13+ is 300. Since there are no intermediate residential exposures, intermediate risk assessment is not required.

4. *Cumulative exposure to substances with a common mechanism of toxicity*. Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA does not have, at this time, available data to determine whether 2,4-D has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, 2,4-D does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that 2,4-D has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Safety Factor for Infants and Children

1. *Safety factor for infants and children*—i. *In general*. FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a MOE analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

ii. *Prenatal and postnatal sensitivity*. The toxicological data base for evaluating prenatal and postnatal toxicity for 2,4-D is complete with respect to current data requirements. There are no prenatal toxicity concerns for infants and children based on the lack of evidence of quantitative or qualitative increased susceptibility in the prenatal developmental toxicity studies in rats and rabbits or in the 2-generation reproduction study in rats.

The WWF commented that the 10x FQPA Safety Factor should be retained based on two rationales: (1) Evidence of quantitative susceptibility in the developmental rat study and (2) evidence of qualitative susceptibility because it is a thyroid endocrine disruptor. Therefore, the Agency has reevaluated the results of the developmental toxicity study in rats to assess the potential for increased susceptibility to infants and children following exposure to 2,4-D.

Regarding evidence of quantitative susceptibility in the developmental toxicity study in rats, the initial review of this study concluded that for maternal toxicity, the NOAEL was 25 mg/kg/day and the LOAEL was 75 mg/kg/day based on decreases in body weight gain in the maternal animals during the dosing period (gestation days 6 through 15). When compared to the vehicle control group, maternal body weight gain decreases were: -43% during gestation days 6 through 10 and -21% during days 6 through 15 at the 75 mg/kg/day group. Although these decreases were not statistically significant, they are biologically significant and attributed to treatment because decreases in body weight gain were also seen in the 2-generation reproduction study in the same strain of rats at a comparable dietary dose level (75 mg/kg/day). Additionally, the fact that the maternal animals regained their body weight following cessation of exposure (dosing) indicated that the decreases were indeed due to treatment with 2,4-D. EPA reconfirmed that maternal toxicity was seen at 75 mg/kg/day, the LOAEL.

With regard to the developmental toxicity, fetal effects are manifested as skeletal variations (not malformations) at the same dose that caused maternal toxicity. The skeletal variations included: presence of 7th cervical rib; presence of 14th rudimentary rib; mal-aligned sternebrae; reduced ossification of the vertebral arches and unossified sternebrae. These effects were not considered to be severe in nature because: (1) The presence of ribs indicate extra ossification; (2) malaligned sternebrae, reduced ossification of the vertebral arches and unossified sternebrae which are delays in ossification, were also seen in the controls; (3) there was no dose-response relationship for any of the variations; (4) the incidences were not statistically significant when compared to the vehicle control; (5) no increases were seen when litter incidences were considered; (6) fetal variations were seen in the presence of maternal toxicity; and (7) no malformations were seen at any dose level.

Based on these results, EPA reconfirmed that there is no evidence for increased susceptibility since the mild fetal effects were seen in the presence of maternal toxicity. This conclusion is supported by the lack of evidence for either quantitative or qualitative susceptibility in the developmental toxicity study in rabbits or in the 2-generation reproduction study. In rabbits, no developmental toxicity was seen at the highest dose tested. In the two-generation reproduction study, offspring toxicity (decreased pup body weight during lactation in F_{1b} pups) was seen in the presence of parental/systemic toxicity (degeneration of male kidney tubule and decreased weight gain in females) at the same dose. In addition, no evidence of susceptibility was seen in the developmental toxicity studies conducted with the salts and esters of 2,4-D; in these studies, the developmental toxicity occurred either at the same dose levels or higher dose levels that caused maternal toxicity.

Regarding evidence of qualitative susceptibility as potential thyroid endocrine disruptor, the thyroid effects seen in the subchronic (decreases in T4, follicular cell hypertrophy) and chronic (decreases in T4, increase in thryoid weights) toxicity study in rats occurred only at high doses. These effects were seen in the presence of other systemic (liver or kidney) toxicity, and there was no evidence of thyroid toxicity in dogs. No evidence of endocrine disruptions were seen in the appropriate parameters that evaluated this effect in the two-generation reproduction study.

EPA is currently developing policy, procedures and data requirements for endocrine disruptors. If, as a part of the review under reregistration, 2,4-D is identified as a potential endocrine disruptor, 2,4-D will be assessed according to EPA policy and appropriate data will be requested.

iii. *Conclusion*. There is a complete toxicity data base for 2,4-D and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures. An FQPA safety factor is necessary for 2,4-D since there is evidence of neuropathology (retinal degeneration) in female rats at the 1–year measurements made in the chronic neurotoxicity study in rats. This finding triggers the need for a developmental neurotoxicity study and an FQPA safety factor for this data gap. However, the safety factor can be reduced to 3x based on the fact that the

toxicology data base is complete for the core studies required for FQPA assessment, that there is no evidence of quantitative or qualitative increased susceptibility in the prenatal developmental toxicity studies in rats and rabbits or in the 2-generation reproduction study in rats, and that the exposure assessments will not underestimate the potential dietary (food and water) and non-dietary exposure resulting from the use of 2,4-D.

Since there is a concern for neuropathology which triggers a developmental neurotoxicity study, the FQPA safety factor is applicable to all population subgroups for acute and chronic dietary assessments and to residential exposure and risk assessment of all durations. The result of the developmental neurotoxicity study could inform all endpoint selections.

E. Aggregate Risks and Determination of Safety

To estimate total aggregate exposure to a pesticide from food, drinking water, and residential uses, the Agency calculates DWLOCs which are used as a point of comparison against the model estimates of a pesticide's concentration in water (EECs). DWLOC values are not regulatory standards for drinking water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food and residential uses. In calculating a DWLOC, the Agency determines how much of the acceptable exposure (i.e., the PAD) is available for exposure through drinking water e.g., allowable chronic water exposure (mg/kg/day) = cPAD - (average food + residential exposure). This allowable exposure through drinking water is used to calculate a DWLOC.

A DWLOC will vary depending on the toxic endpoint, drinking water consumption, and body weights. Default body weights and consumption values as used by the USEPA Office of Water are used to calculate DWLOCs: 2L/70 kg (adult male), 2L/60 kg (adult female), and 1L/10 kg (child). Default body weights and drinking water consumption values vary on an individual basis. This variation will be taken into account in more refined screening-level and quantitative drinking water exposure assessments. Different populations will have different DWLOCs. Generally, a DWLOC is calculated for each type of risk assessment used: acute, short-term, intermediate-term, chronic, and cancer.

When EECs for surface water and groundwater are less than the calculated DWLOCs, the Office of Pesticide Programs (OPP) concludes with reasonable certainty that exposures to the pesticide in drinking water (when considered along with other sources of exposure for which OPP has reliable data) would not result in unacceptable levels of aggregate human health risk at this time. Because OPP considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, OPP will reassess the potential impacts of residues of the pesticide in drinking water as a part of the aggregate risk assessment process.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food to 2,4-D will occupy 7.3% of the aPAD for the U.S. population, 12% of the aPAD for females 13 years and older, 9.4% of the aPAD for infants less than 1 year old and 8.8% of the aPAD for children 7 – 12 years old. In addition, there is potential for acute dietary exposure to 2,4-D in drinking water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the aPAD, as shown in the following Table 2:

TABLE 2.—AGGREGATE RISK ASSESSMENT FOR ACUTE EXPOSURE TO 2,4-D

Population Subgroup	aPAD (mg/kg)	% aPAD (Food)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Acute DWLOC (ppb)
U.S. Population	0.22	7.3	1,561	14.8	7,100
All Infants (< 1 year) old	0.22	9.4	1,561	14.8	2,000
Children 1–6 yrs old	0.22	12	1,561	14.8	1,900
Children 7–12 yrs old	0.22	8.8	1,561	14.8	2,000
Females 13–50 yrs old	0.083	12	1,561	14.8	2,200

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to 2,4-D from food will utilize 24% of the cPAD for the U.S. population, 19% of the cPAD for infants less than 1 year old and 46% of the cPAD for children 1 – 6 years old. Based on the use pattern, chronic residential exposure to residues of 2,4-D is not expected. In addition, there is potential for chronic dietary exposure to 2,4-D in drinking water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the cPAD, as shown in the following Table 3:

TABLE 3.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON-CANCER) EXPOSURE TO 2,4-D

Population Subgroup	cPAD mg/kg/day	% cPAD (Food)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Chronic DWLOC (ppb)
U.S. Population	0.0033	24	15	14.8	88
All Infants (< 1 year) old	0.0033	19	15	14.8	27
Children 1–6 yrs old	0.0033	46	15	14.8	18
Children 7–12 yrs old	0.0033	36	15	14.8	21
Females 13–50 yrs old	0.0033	20	15	14.8	80

3. *Short-term risk*. Short-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). 2,4-D is currently registered for use that could result in short-term residential exposure and the Agency has determined that it is appropriate to aggregate chronic food and water and short-term exposures for 2,4-D. Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded that food and residential exposures aggregated result in aggregate MOEs of 853 for the U.S. population, 943 for infants less than 1 year old, 912 for children 1 – 6 years old, and 859 for females 13 years and older. These aggregate MOEs do not exceed the Agency's level of concern for aggregate exposure to food and residential uses. In addition, short-term DWLOCs were calculated and compared to the EECs for chronic exposure of 2,4-D in ground and surface water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect short-term aggregate exposure to exceed the Agency's level of concern, as shown in the following Table 4:

TABLE 4.—AGGREGATE RISK ASSESSMENT FOR SHORT-TERM EXPOSURE TO 2,4-D

Population Subgroup	Aggregate MOE (Food + Residential)	Aggregate Level of Concern (LOC)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Short-Term DWLOC (ppb)
US Population	853	300	15	14.8	1,890
All Infants (< 1 year) old	943	300	15	14.8	568
Children 1–6 yrs old	912	300	15	14.8	559
Females 13–50 yrs old	859	300	15	14.8	1,630

4. *Determination of safety*. Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to 2,4-D residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology is available (gas chromatography (GC) with electron capture detection (ECD), EN-CAS Method ENC-2/93. This GC/ECD method has undergone successful independent laboratory validation and is available to enforce the time-limited tolerance on soybean seed.

B. International Residue Limits

There are no Codex, Canadian or Mexican residue limits established for 2,4-D on soybeans.

C. Conditions

This tolerance with an expiration date was required by EPA to allow the Industry Task Force II on 2,4-D Research Data to submit additional field residue trials, including bridging studies with ester and amine formulations, plant metabolism studies, storage stability data, and oncogenicity studies in two species, rat and mouse preferred. Because the Agency has not completed the regulatory assessment of its scientific findings, EPA is proposing to amend 40 CFR 180.142 to extend the expiration date for these tolerances until December 31, 2004.

V. Conclusion

Therefore, the tolerance is established for residues of 2,4-D, 2,4-dichlorophenoxyacetic acid, in or on soybeans at 0.02 ppm.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301219 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before May 7, 2002.

1. *Filing the request*. Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment*. If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it ''Tolerance Petition Fees.''

EPA is authorized to waive any fee requirement ''when in the judgement of

the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection.'' For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–301219, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action 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, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 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 final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, 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 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. Thus, Executive Order 13175 does not apply to this rule.

VIII. 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 this final rule in the **Federal Register**. This final

rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 26, 2002.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

2. Section 180.142 is amended by revising paragraph (a)(11) to read as follows:

§ 180.142 2,4-D, tolerances for residues.

(a) * * *

(11) A tolerance that expires on December 31, 2004 is established for residues of the herbicide 2,4-D (2,4-dichlorophenoxyacetic acid) resulting from the preplant use of 2,4-D ester or amine in or on the raw agricultural commodity as follows:

Commodity	Parts per million	Expiration/Revocation Date
Soybean, seed	0.02	12/31/04

* * * * *

[FR Doc. 02–5606 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 59 and 61

RIN 3067–AD16

National Flood Insurance Program (NFIP); Inspection of Insured Structures by Communities

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Interim final rule.

SUMMARY: This interim final rule would amend the NFIP regulations to clarify that areas of Monroe County, Florida that incorporate on or after January 1, 1999, and become eligible for the sale of flood insurance must participate in the inspection procedure as a condition of joining the NFIP. We established the inspection procedure to help the communities of Monroe County and the Village of Islamorada verify that structures comply with the community's floodplain management ordinance, and to ensure that property owners pay flood insurance premiums to the NFIP commensurate with their flood risk.

DATES: 44 CFR 59.30(a) is effective March 8, 2002. The amendments to Appendices (A)(4), (A)(5), and (A)(6) of 44 CFR part 61 are effective on June 6, 2002. Please submit comments on or before June 6, 2002.

ADDRESSES: Please send your comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street, SW., room 840, Washington, DC 20472, (facsimile) 202–646–4536, or (email) *rules@fema.gov*.

FOR FURTHER INFORMATION CONTACT: Donald Beaton, Federal Emergency Management Agency, Federal Insurance and Mitigation Administration, 500 C Street, SW., Washington, DC 20472, 202–646–3442, (facsimile) 202–646–4327 or (email) *donald.beaton@fema.gov*, or Lois Forster, Federal Emergency Management Agency, Federal Insurance and Mitigation Administration, 202–646–2720, (facsimile) 202–646–2577, or (email) *lois.forster@fema.gov*.

SUPPLEMENTARY INFORMATION: We established a pilot inspection procedure and the criteria to implement it under 44 CFR 59.30 in a final rule published in the **Federal Register** on June 27, 2000, 65 FR 39726. The inspection procedure is to help the communities of Monroe County, Florida and the Village of Islamorada, also located within Monroe County, verify that structures comply with the community's floodplain management ordinance, and to ensure that property owners pay flood insurance premiums to the NFIP commensurate with their flood risk. The inspection procedure requires owners of insured buildings to obtain an inspection from community officials and to submit a Community Inspection Report as a condition of renewing the Standard Flood Insurance Policy on the building. Specifically, the inspection procedure is designed to help the communities determine whether buildings with an enclosure comply with the community's floodplain management ordinance.

The community inspection procedure applies only to insured post-FIRM (Flood Insurance Rate Map) buildings located in the Special Flood Hazard Areas of the communities participating in the inspection procedure.

On November 2, 1999, the City of Marathon incorporated and on October 16, 2000 the City became an NFIP participating community. We notified the City of Marathon of the inspection procedure before it applied to join the NFIP. The community agreed to participate in the pilot inspection procedure in a resolution titled, ''A Resolution of the City Council of the City of marathon, Florida, Providing for Approval of the City's Participation in the National Flood Insurance Program's Pilot Inspection Program and Providing for an Effective Date'', which was passed and adopted on September 13, 2000.

In the **SUPPLEMENTARY INFORMATION** in both the proposed rule (published in the **Federal Register** on May 5, 1999, 64 FR 24256) and the final rule (published in the **Federal Register** on June 27, 2000, 65 FR 39726), we stated that as a condition of joining the NFIP the inspection procedure would be undertaken in areas within Monroe County that incorporate and become a separate community on or after January 1, 1999.

We established the following requirement in 44 CFR 59.30(a), Purpose, which requires areas within Monroe County that incorporate after January 1, 1999, to implement the inspection procedure: ''(a) This section sets forth the criteria for implementing a pilot inspection procedure in Monroe County and the Village of Islamorada, Florida. These criteria will also be used to implement the pilot inspection procedure in any area within Monroe County, Florida that incorporates on or after January 1, 1999, and is eligible for the sale of flood insurance.'' The City of Marathon is the only community in Monroe County that has incorporated after January 1, 1999.

This interim final rule would amend 44 CFR 59.30 and Appendices (A)(4), (A)(5), and (A)(6) of 44 CFR part 61 to clarify that areas in Monroe County that become communities by incorporating

on or after January 1, 1999, are required to participate in the inspection procedure as a condition of joining the NFIP. We will publish notices in the **Federal Register** when communities in Monroe County incorporate, agree to implement the pilot insurance procedure, and become eligible for the sale of flood insurance.

The same factors that make the conditions unique in Monroe County and the Village of Islamorada for implementation of the inspection procedure also apply to the City of Marathon and to other areas in Monroe County that incorporate. They include:

- The nature of the flood hazard,
- The number of possible violations (an estimated 2,000–4,000 illegally built enclosures in the entire County, the Village of Islamorada, and any areas in Monroe County that become communities by incorporating after January 1, 1999).
- The potential for loss of life in the event of a flood, and
- Several factors that have limited the community's ability to determine whether a building with an enclosures complies with the local floodplain management ordinance.

We will give the City of Marathon and other areas of Monroe County that incorporate after January 1, 1999, the same assistance that we are providing the Monroe County and the Village of Islamorada to address these violations.

National Environmental Policy Act

When we conducted the environmental review for the proposed rule on the inspection procedure (published in the **Federal Register** on May 5, 1999, 64 FR 24256), the City of Marathon was not a participating NFIP community. However, we covered the City of Marathon's incorporated areas in the environmental review as if Marathon was a part of Monroe County. That environmental review also covers any additional area within Monroe County that may incorporate in the future. Therefore, the determination that the action in the may 5, 1999 proposed rule qualifies for the exclusion on rulemaking relating to actions that themselves are excludable applies to this interim final rule.

We reviewed the May 5, 1999 proposed rule on the inspection procedure under the requirements of 44 CFR 10, Environmental Considerations, and under the mandates of the National Environmental Policy Act. We determined that the action in that proposed rule qualifies for the exclusion on rulemaking relating to actions that themselves are excludable. The exclusions are in 44 CFR 10.8(d)(2) (ii) and (iv) regarding inspections, monitoring activities, and actions to enforce local regulations.

We determined that the proposed rule does not establish any new requirements that Monroe County and the Village of Islamorada must adopt and enforce under the NFIP. Rather, it provides the communities with an additional tool to enforce existing requirements in their floodplain management ordinance. This existing ordinance requires that all new and substantially improved structures must be elevated to or above the Base Flood Elevation (BFE), and must be anchored adequately to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads.

We also determined that no extraordinary circumstances existed regarding the May 5, 1999 proposed rule, as defined in 44 CFR 10.8(d)(3). We considered these potential extraordinary circumstances: Greater scope or size than normally experienced for a particular category action; high level of public controversy; presence of endangered or threatened species and their critical habitat; presence of hazardous substances; and actions with the potential to affect special status areas adversely or other critical resources.

You may obtain a copy of the Record of Environmental Review documenting the findings through our Web site at *www.FEMA.gov,* or by writing to the Federal Emergency Management Agency at 500 C Street, SW., Washington, DC 20472, Attention: Lois Forster.

Executive Order 12898, Environmental Justice

When we conducted the environmental review for the May 5, 1999 proposed rule, the City of Marathon was not a participating NFIP community. We covered the City of Marathon's incorporated areas in the environmental review, however, as if Marathon were a part of Monroe County. The environmental review covers any additional area within Monroe County that incorporates. Therefore, the determination that the inspection procedure would not have a disproportionate adverse impact on low-income populations and minority populations applies to this interim final rule since the areas are already covered under the previous environmental review.

We reviewed the May 5, 1999 proposed rule under E.O. 12898, Environmental Justice, and determined that the inspection procedure would not have a disproportionate adverse impact on low-income populations and minority populations. We also determined that this action would have some adverse effects on low-income populations because some of the illegal enclosures are used as full-living units and the residents would have to find replacement housing. The effect would be caused by the illegal activity, not by this regulatory action. We determined, further, that there would be a greater adverse health and safety impact on the affected low-income populations if they stayed in these illegally built ground level enclosures. The enclosures are located in flood hazard areas below the Base Flood Elevation where there is a significant risk of flooding.

You may obtain a copy of the Record of Environmental Review documenting the findings through our Web site at *www.FEMA.gov,* or by writing to the Federal Emergency Management Agency at 500 C Street, SW., Washington, DC 20472, Attention: Lois Forster.

Executive Order 12866, Regulatory Planning and Review

We prepared and reviewed the final rule (published in the **Federal Register** on June 27, 2000, 65 FR 39726) under the provisions of E.O. 12866, Regulatory Planning and Review. For the reasons that follow we concluded that the June 27, 2000 rule is neither an economically significant nor significant regulatory action under the executive order. Therefore, since this interim final rule does not change the requirements of the June 27, 2000 final rule, this rule is neither an economically significant nor a significant regulatory action under the executive order and the following reasons also apply:

The June 27, 2000 final rule and this interim final rule apply to a pilot program that applies to Monroe County and the Village of Islamorada. The rules would apply to the City of Marathon and to other communities in Monroe County that incorporate after January 1, 1999, and become eligible for the sale of flood insurance. The rules address flood insurance and floodplain management issues that the law requires for communities to remain eligible for flood insurance and to avoid probation and potential suspension from the NFIP;

We estimate that the costs to these communities to enforce the rule would be in the range of $48,000 to $250,000 per year, over a few years;

This rule raises no novel legal or policy issues arising out of legal mandates of the NFIP, presidential priorities, or principles of E.O. 12866. It creates no new requirements that the two communities must adopt and enforce under the NFIP, but assists them

in carrying out their responsibilities under the NFIP and enforcing the existing requirements in their floodplain management ordinance;

This rule would provide these communities with a tool to protect the health, safety, and welfare of their citizens and property exposed to a significant flood risk, a tool not otherwise available to the communities under the current regulations of the NFIP;

We do not expect that this rule would adversely or materially affect the public directly affected by the rule. The inspection procedure would be implemented over a period of several years, would give property owners time to remedy the violations, and would give tenants living in illegal enclosures time to find appropriate alternative housing. The rule also accommodates the State-mandated Rate of Growth Ordinance (ROGO), the memorandum of agreement between the County and the State on ROGO allocations in order to deal with replacement units for illegal enclosures removed as a result of the inspection procedure;

The inspection procedure adopted in the June 27, 2000 rule arises out of work done by a Citizen's Task Force that the Monroe County Board of County Commissioners appointed. We have worked closely with County, Village and State officials in preparing the rule [see Executive Order 13132, Federalism, below]; and

The inspection procedure under this rule is the best available method to achieve the NFIP regulatory objective while taking into account State statutory constraints on inspections, State rate of growth mandates, housing limits within the two communities, and related factors.

The Office of Management and Budget has not reviewed this rule under the principles of Executive Order 12866.

Executive Order 13132, Federalism

Executive Order 13132, Federalism, seeks to ensure that Executive agencies consider principles of federalism when developing new policies, and requires them to consult with State and local officials when their actions may have federalism implications.

In the May 5, 1999 proposed rule, we stated that that rule had no policies that have federalism implications under E.O. 12612, Federalism.

We reviewed the June 27, 2000 final rule federalism implications under E.O. 13132. Based on our review, we determined the rule does not have federalism implications as defined in E.O. 13132 as it does 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. The June 27, 2000 final rule imposes no mandates on State or local governments.

We reviewed this interim final rule for federalism implications under E.O. 13132. Based on our review, we determined that this interim final rule also does not have federalism implications as defined in E.O. 13132.

In addition to Monroe County, the Village of Islamorada, and the State of Florida, we have consulted with the City of Marathon and will continue to consult and coordinate with the city of Marathon and any other area in Monroe County that incorporates and becomes eligible for the sale of flood insurance after January 1, 1999, that will participate in the inspection procedure.

Paperwork Reduction Act

We submitted the information collection requirements in the May 5, 1999 proposed rule to the Office of Management and Budget (OMB) for approval under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* The information collection requirements were approved by the OMB under Control Number 3067–0275. Under this interim final rule, the number and type of respondents would remain substantially the same. This interim final rule would not likely revise the number and types of responses, frequency, and burden hours. The number and types of responses, frequency, and burden hours for the City of marathon or any other area in Monroe County that incorporates after January 1, 1999, and is eligible for the sale of flood insurance will offset the number and types of responses, frequency, and burden hours in Monroe County.

Executive Order 12778, Civil Justice Reform

This final rule meets the applicable standards of subsections 2(a) and 2(b)(2) of Executive Order 12778.

Justification for Interim Final Rule.

In general, FEMA publishes a rule for public comment before issuing a final rule, in accordance with the Administrative Procedure Act, 5 U.S.C. 533, and 44 CFR 1.12. The Administrative Procedure Act, however, does provide an exception from that general rule where the agency for good cause finds the procedures for comment and response contrary to public interest. This interim final rule provides for a clarification in the final rule (published in the **Federal Register** on June 27, 2000, 65 FR 39726) that areas in Monroe County that become communities by incorporating on or after January 1, 1999, are required to participate in the inspection procedure as a condition of joining the NFIP. This requirement was specifically stated in the supplementary of the proposed rule (published in the **Federal Register** on May 5, 1999) and the final rule. We also established the following requirement in 44 CFR 59.30(a), Purpose which requires areas within Monroe County that incorporate after January 1, 1999 to implement the inspection procedure: ''(a) This section sets forth the criteria for implementing a pilot inspection procedure in Monroe County and the Village of Islamorada, Florida. These criteria will also be used to implement the pilot inspection procedure in any area within Monroe County, Florida that incorporated on or after January 1, 1999, and is eligible for the sale of flood insurance.'' However, this requirement was not clearly stated in the Appendices (A)(4), (A)(5), and (A)(6) of 44 CFR part 61, the endorsements to the standard Flood Insurance Policy. This interim final rule would amend 44 CFR 59.30 and the Appendices to make clearer that participation in the inspection procedure is a requirement for any area within Monroe County that incorporates on or after January 1, 1999. Because this is a clarification to the final rule and not a new or modified requirement, we believe it is in the public interest to publish this amendment as an interim final rule.

List of Subjects in 44 CFR Parts 59 and 61

Flood Insurance, Reporting and recordkeeping requirements.

Accordingly, amend 44 CFR parts 59 and 61 as follows:

PART 59—GENERAL PROVISIONS

1. The authority citation for part 59 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

2. Revise section 59.30(a) to read as follows:

§ 59.30 A pilot inspection procedure.

(a) *Purpose.* This section sets forth the criteria for implementing a pilot inspection procedure in Monroe County and the Village of Islamorada, Florida. Areas within Monroe County that become communities by incorporating on or after January 1, 1999, are required

to implement the pilot inspection procedure as a condition of participating in the NIP. The criteria will also be used to implement the pilot inspection procedure in these communities. The purpose of this inspection procedure is to provide the communities participating in the pilot inspection procedure with an additional means to identify whether structures built in Special Flood Hazard Areas (SFHAs) after the effective date of the initial Flood Insurance Rate Map (FIRM) comply with the community's floodplain management regulations. The pilot inspection procedure will also assist FEMA in verifying that structures insured under the National Flood Insurance Program's Standard Flood Insurance Policy are properly rated. FEMA will publish notices in the **Federal Register** when communities in Monroe County incorporate, agree to implement the pilot inspection procedure, and become eligible for the sale of flood insurance.

* * * * *

PART 61—INSURANCE COVERAGE AND RATES

3. The authority citation for part 61 continues to read as follows;

Authority 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

4. Revise the heading and first paragraph in Appendix (A)(4) to part 61 to read as follows;

Appendix A(4) to Part 61

Federal Emergency Management Agency, Federal Insurance Administration

Standard Flood Insurance Policy Endorsement to Dwelling Form

This endorsement replaces the provisions of VII.B.4 and VII.H.2, and also adds a new paragraph, VII.H.5. This endorsement applies in Monroe County and the Village of Islamorada, Florida, This endorsement also applies to communities within Monroe County, Florida that incorporate on or after January 1, 1999, agree to participate in the inspection procedure, and become eligible for the sale of flood insurance.

* * * * *

5. Revise the heading and first paragraph in Appendix (A)(5) to part 61 to read as follows:

Appendix A(5) to part 61

Federal Emergency Management Agency, Federal Insurance Administration

Standard Flood Insurance Policy Endorsement to General Property Form

This endorsement replaces the provisions of VII.B.4 and VII.H.2, and also adds a new paragraph, VII.H.5. This endorsement applies in Monroe County and the Village of Islamorada, Florida. This endorsement also applies to communities within Monroe County, Florida that incorporate on or after January 1, 1999, agree to participate in the inspection procedure, and become eligible for the sale of flood insurance.

* * * * *

6. Revise the heading and first paragraph in Appendix (A)(6) to part 61 to read as follows:

Appendix A(6) to Part 61

Federal Emergency Management Agency, Federal Insurance Administration

Standard Flood Insurance Policy Endorsement to Residential Condominium Building Association Policy

This endorsement replaces the provisions of VIII.B.4 and VIII.H.2, and also adds a new paragraph, VIII.H.5. This endorsement applies in Monroe County and the Village of Islamorada, Florida. This endorsement also applies to communities within Monroe County, Florida and incorporate on or after January 1, 1999, agree to participate in the inspection procedure, and become eligible for the sale of flood insurance.

* * * * *

Dated: February 28, 2002.

Michael D. Brown,

General Counsel.

[FR Doc. 02–5559 Filed 3–7–02; 8:45 am]

BILLING CODE 6718–05–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[IB Docket No. 00–106, FCC 01–332]

Review of Commission Consideration of Applications Under the Cable Landing License Act

AGENCY: Federal Communications Commission.

ACTION: Final rules; announcement of effective date.

SUMMARY: This rule announces the effective date of the rule published on January 14, 2002. Those rules amended the Commission's rules governing streamlined processing for submarine cable landing licenses. The Commission adopted measures designed to enable international carriers to respond to the demands of the market with minimal regulatory oversight and delay, saving time and resources for both the industry and government, while preserving the Commission's ability to guard against anti-competitive behavior.

DATES: Sections 1.767(a)(7) through (a)(9),(a)(11), (g)(1) through (g)(14), (j), (k), (l)(1), (l)(2), (m)(1) through (m)(2), and 1.768(a) through (i) published at 67 FR 1615 are effective March 15, 2002.

FOR FURTHER INFORMATION CONTACT: Peggy Reitzel, Policy and Facilities Branch, Telecommunications Division, International Bureau, (202) 418–1470.

SUPPLEMENTARY INFORMATION: On November 8, 2001, the Commission adopted a report and order establishing streamlining procedures for processing applications for submarine cable landing licenses (FCC 01–106), a summary of which was published in the **Federal Register**. See 67 FR 1615 (January 14, 2002). We stated that the rules were effective on March 15, 2002, except for those sections containing new information collection requirements, which require approval by the Office of Management and Budget (OMB). The information collection requirements were approved by OMB on February 19, 2002. See OMB No. 3060–0944. This publication satisfies our statement that the Commission would publish a document announcing the effective date of the rules.

List of Subjects in 47 CFR Part 1

Communications common carriers, Reporting and recordkeeping requirements, Telecommunications miscellaneous rules relating to common carriers.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 02–5379 Filed 3–7–02; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

Docket No. 011218304–1304–01; I.D. 030502C]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Hook-and-line Gear in the Bering Sea and Aleutian Islands

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher processor vessels using hook-and-line gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the A season apportionment of the 2002 total allowable catch (TAC) of Pacific cod allocated for catcher processor vessels using hook-and-line gear in this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 8, 2002, until 2400 hrs, A.l.t., August 15, 2002.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season apportionment of the 2002 Pacific cod TAC allocated to catcher processor vessels using hook-and-line gear in the BSAI was established by an emergency rule implementing 2002 harvest specifications and associated management measures for the groundfish fisheries off Alaska (67 FR 956, January 8, 2002) as a directed fishing allowance of 45,048 metric tons. See § 679.20 (c)(3)(iii), § 679.20 (c)(5), and § 679.20 (a)(7)(i)(A)&(C).

In accordance with § 679.20 (d)(1)(iii), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the A season apportionment of the 2002 Pacific cod TAC allocated to catcher processor vessels using hook-and-line gear as a directed fishing allowance in the BSAI will soon be reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher processor vessels using hook-and-line gear in the BSAI.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action to prevent exceeding the A season apportionment of the 2002 Pacific cod TAC allocated to catcher processor vessels using hook-and-line gear constitutes good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553 (b)(3)(B) and § 679.20 (b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly, the need to implement these measures in a timely fashion to prevent exceeding the A season apportionment of the 2002 Pacific cod TAC allocated to catcher processor vessels using hook-and-line gear constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: March 5, 2002.

Richard W. Surdi,

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

[FR Doc. 02–5739 Filed 3–6–02; 2:52 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 67, No. 46
Friday, March 8, 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 THE TREASURY

Customs Service

19 CFR Part 10

RIN 1515–AC88

Prototypes Used Solely for Product Development, Testing, Evaluation, or Quality Control Purposes

AGENCY: Customs Service, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations in order to establish rules and procedures under the Product Development and Testing Act of 2000 (PDTA). The purpose of the PDTA is to promote product development and testing in the United States by allowing the duty-free entry of articles, commonly referred to as prototypes, that are to be used exclusively in product development, testing, evaluation or quality control. The proposed regulations set forth the procedures for both the identification of those prototypes properly entitled to duty-free entry, as well as the permissible sale of such prototypes, following use in the United States, as scrap, waste, or for recycling.

DATES: Comments must be received on or before April 8, 2002.

ADDRESSES: Written comments may be addressed to and inspected at the Regulations Branch, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., 3rd Floor, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Patricia Fitzpatrick, Office of Field Operations, (202–927–1106).

SUPPLEMENTARY INFORMATION:

Background

The Product Development and Testing Act of 2000 (''PDTA'') was enacted on November 9, 2000, as part of the Tariff Suspension and Trade Act of 2000 (''Act'') (Pub. L. 106–476). The provisions of the PDTA are found in sections 1431–1435 of the Act.

The purpose of the PDTA, as set forth in section 1432(b) of the Act, is to promote product development and testing in the United States by allowing the importation on a duty-free basis of articles commonly referred to as ''prototypes'' that are to be used exclusively for such product development, testing, evaluation or quality control.

By way of background, Congress has found, as stated in section 1432(a) of the Act, that a substantial amount of product development and testing occurs in the United States incident to the introduction and manufacture of new products both for domestic consumption and for export overseas. Product testing also occurs with respect to products already introduced into commerce in order to ensure that these products continue to meet specifications and perform as designed.

Until the enactment of the PDTA, prototype articles have generally been subject to Customs duty when imported, unless the articles were eligible for duty-free treatment under a special trade program, such as the North American Free Trade Agreement (NAFTA) (19 U.S.C. 3301 *et seq.*), or unless they were entered under a temporary importation bond (TIB) (subheading 9813.00.30, Harmonized Tariff Schedule of the United States (HTSUS)).

Furthermore, the value of these prototypes had to be included in the dutiable value of any imported production merchandise that resulted from the same design and development efforts to which the prototype articles themselves were dedicated. In effect, duty on a prototype good was assessed twice, once when the prototype was imported and a second time as part of the dutiable value of the related imported production merchandise. In this latter respect, the prototype would be considered to be an ''assist'' (see § 152.102(a)(1), Customs Regulations (19 CFR part 152)) and, as such, it would have to be included in the dutiable cost of any associated production merchandise that was later imported.

Congress found that assessing duty twice on prototypes unnecessarily inflates costs for U.S. businesses, thereby reducing their competitiveness and thus discourages development and testing in the United States, and favors its occurrence overseas, given that duty would only be charged once, upon the subsequent importation of the related production merchandise.

Consequently, to provide for the duty-free entry of prototypes, section 1433 of the Act amended the Harmonized Tariff Schedule of the United States (HTSUS) by inserting a new subheading 9817.85.01 in Subchapter XVII of Chapter 98, HTSUS. The free rate of duty, as noted in HTSUS subheading 9817.85.01, only pertains to products from a country that would be entitled to the ''Column 1'' rate of duty; otherwise, the relevant rate would be that applicable in the absence of HTSUS subheading 9817.85.01.)

Additionally, section 1433 of the Act amended the HTSUS by including a new U.S. Note 6 in Subchapter XVII of Chapter 98, HTSUS, that defines the term ''prototypes'' as used in HTSUS subheading 9817.85.01.

As defined in U.S. Note 6(a) to Subchapter XVII, the term ''prototypes'' means originals or models of articles that are either in the preproduction, production or postproduction stage and that are to be used exclusively for product development, testing, evaluation or quality control purposes. However, articles may not be classified as prototypes under HTSUS subheading 9817.85.01 if imported for automobile racing for purse, prize or commercial competition, as this activity is not considered to be product development, testing, evaluation, or quality control. For originals or models of articles that are in the production or postproduction stage to qualify as prototypes, they must be associated with a change in design from current production; this would include any refinement, advancement, improvement, development, or quality control in the product itself or in the means for producing the product.

Pursuant to U.S. Note 6(b) to Subchapter XVII of Chapter 98, HTSUS, prototypes may only be imported in limited noncommercial quantities based on industry practice. Moreover, any articles that are subject to quantitative restrictions, antidumping orders or countervailing duty orders may not be classified as prototypes. However, articles that are subject to licensing requirements, or that must comply with laws, rules or regulations administered by agencies other than Customs before being imported, may be entered as prototypes if they comply with all

applicable provisions of law and otherwise meet the definition of prototypes in U.S. Note 6(a) to Subchapter XVII of Chapter 98, HTSUS.

In addition, except as provided by the Secretary of the Treasury, prototypes or parts of prototypes may not be sold after importation into the United States or be incorporated into other products that are sold.

By this document, Customs proposes to amend the Customs Regulations to add a new § 10.91, pursuant to sections 1433–1435 of the Act, that would: (1) Establish requirements regarding the identification of prototypes at the time of their importation into the United States; and (2) establish requirements regarding the sale of prototypes, following their intended use in product development, testing and evaluation, as scrap, waste, or for recycling, if all applicable duties are tendered for sales of the prototypes, including prototypes and parts of prototypes that are incorporated into other products that are sold as scrap, waste, or recycled materials, at the rate of duty in effect for such scrap, waste, or recycled materials at the time of importation of the prototypes.

Declaration of Intent

Entry or withdrawal from warehouse for consumption of a prototype under HTSUS subheading 9817.85.01 may be accepted by the port director as an effective declaration that the articles will be used solely for the purposes stated in the subheading. If it is believed the circumstances so warrant, the port director may request the submission of proof of actual use, executed and dated by the importer. While there is no particular form proposed for this declaration, it may either be submitted in writing, or electronically as authorized by Customs, and must include a description of the use made of the articles set forth in sufficient detail so as to enable the port director to determine whether the articles have been entitled to entry as claimed.

Sale

The prototype or any part(s) of the prototype, after having been used for the purposes for which it was entered or withdrawn under HTSUS subheading 9817.85.01, may only be sold as scrap, waste, or for recycling. This includes a prototype or any part that is incorporated into another product, as scrap, waste, or recycled material. The importer must provide notice of such sale to the port director where the entry or withdrawal of the prototype was made. The notice of sale must be filed with a tender of appropriate duties within 10 business days of the sale.

While no particular form is required for the notice of sale, a consumption entry (Customs Form 7501), appropriately modified, or an electronic equivalent as authorized by Customs, may be used for this purpose. If the article sold is dutiable, the notice must also be accompanied by the payment of any duty due. In any case, a notice must be submitted in connection with the sale, whether or not duty is payable. If the notice is filed electronically, payment of any duty owed will be handled through the Automated Clearinghouse (see § 24.25, Customs Regulations (19 CFR 24.25)).

Such notice of sale must be executed by the importer, or other person having knowledge of the facts surrounding the sale, and it must include the following: the identity of the prototype, the consumption entry number under which it was imported, a copy of the declaration of actual use, and a description of the condition of the prototype following use for the intended permissible purposes, including any damage, degradation or deterioration to the article resulting from such use; the name and address of the party to whom the article was sold, and (if known) the use to which the party intends to put the article; the HTSUS subheading number for scrap, waste, or recycled material, as applicable, claimed in connection with the sale of the prototype, together with the corresponding rate of duty in effect at the time the prototype was originally imported for consumption; the value of the prototype article (if dutiable and the duty owed is based upon value); and the title of the party executing the declaration along with the date of execution.

For purposes of proposed § 10.91, with respect to any duty owed on prototypes or parts that are sold as scrap, or waste, or for recycling, where the duty owed is based upon value, the relevant value is the market value of the prototypes or parts, based upon their character and condition following use for the purposes prescribed in HTSUS subheading 9817.85.01. In this regard, the market value will generally be measured by the selling price. If a prototype or part of a prototype becomes a component of another product that is sold as scrap, waste, or recycled material, the relevant market value would be that portion of the selling price attributable to the component (that is, the prototype or part of prototype).

Required Recordkeeping

The importer must be prepared to submit to the Customs officer, if requested, such information, including any supporting documents, reports and records, as was necessary for the preparation of the declaration of use and, if applicable, the notice of sale. As previously noted, the submission of the notice of sale, if a sale occurs, is mandatory. The supporting documentary evidence for the notice of sale must be retained for a period of 5 years, as provided in § 163.4(a), Customs Regulations (19 CFR 163.4(a)), from the date of its filing in complete and proper form. Supporting records must be made available to the Customs officer upon request in accordance with § 163.6(a), Customs Regulations (19 CFR 163.6(a)). The notice, together with any related supporting evidence, may be subject to any verification that the port director reasonably deems necessary.

Effective Date

As noted in section 1435(1) and (2) of the Act, duty-free treatment under the PDTA applies to an entry of a prototype under HTSUS subheading 9817.85.01 made on or after the date of enactment of the Act (November 9, 2000) as well as to an entry of a prototype (as defined in U.S. Note 6(a) to Subchapter XVII of Chapter 98, HTSUS) made under subheading 9813.00.30, for which liquidation has not become final as of November 9, 2000.

In this latter regard, an entry under HTSUS subheading 9813.00.30 is made under a temporary importation bond (TIB), and an entry made under a TIB does not liquidate, given that a TIB entry does not involve liquidated duties (see § 10.31(h), Customs Regulations (19 CFR 10.31(h)). Rather, upon satisfaction of the terms and conditions of the TIB, charges under the bond are cancelled (see § 10.39, Customs Regulations (19 CFR 10.39)), and the related entry is ''closed'' (and not liquidated). Customs proposes in § 10.91 to give effect to the intent of Congress underlying section 1435(2) that certain prototypes already entered under a TIB as of November 9, 2000, be allowed to take advantage of duty-free entry under the PDTA.

To accomplish this, the importer must submit a written request, or an electronic equivalent as authorized by Customs, that a TIB entry under HTSUS subheading 9813.00.30, which had not been closed and for which the TIB period had not expired as of November 9, 2000, be converted instead into a duty-free consumption entry under HTSUS subheading 9817.85.01. Customs will so convert the TIB entry,

provided that the port director is satisfied that the entry is for articles that are ''prototypes'' as defined in U.S. Note 6(a) to Subchapter XVII of Chapter 98, HTSUS, and provided further that the entry was in effect and had not been closed (as opposed to having been finally liquidated), and the TIB period for the entry had not expired, as of November 9, 2000. When the TIB entry is so converted, the bond will be cancelled and the entry closed. The port director will provide a courtesy acknowledgment to the importer in writing or electronically once the conversion is complete.

Comments

Before adopting this proposal, consideration will be given to any written comments that are timely submitted to Customs. Customs specifically requests comments on the clarity of this proposed rule and how it may be made easier to understand. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4 of the Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Branch, U.S. Customs Service, 1300 Pennsylvania Avenue, NW. 3rd Floor, Washington, D.C.

Regulatory Flexibility Act and Executive Order 12866

The proposed regulations implement the terms and requirements of the PDTA which went into effect on November 9, 2000. The proposed amendments benefit the public by allowing the duty-free importation of prototypes that are to be used exclusively for product development and testing, thereby promoting such product development and innovation in the United States, as opposed to overseas. Accordingly, pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that, if adopted, the proposed amendments will not have a significant economic impact on a substantial number of small entities. Nor do the proposed amendments meet the criteria for a ''significant regulatory action'' as specified in E.O. 12866.

Paperwork Reduction Act

The collections of information encompassed within this proposed rule have previously been reviewed and approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) and assigned OMB Control Numbers 1515–0091 (Requirement of importer to maintain accurate, detailed records on use or other disposition of imported merchandise for ''actual use'' duty assessment requirements); and 1515–0109 (Certificate of importer to verify actual use of articles imported duty-free or at a reduced rate of duty under actual use provisions). These collections encompass a claim for duty-free entry for prototype articles imported for use exclusively for development, testing, product evaluation or quality control purposes. This proposed rule does not present any material change to the existing approved information collections.

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 control number assigned by OMB.

Upon adoption of the proposed amendments as a final rule, part 178, Customs Regulations (19 CFR part 178), containing the list of approved information collections, will be revised to make reference to new § 10.91.

Drafting Information

The principal author of this document was Janet L. Johnson, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 10

Customs duties and inspection, Imports, Preference programs, Reporting and recordkeeping requirements, Shipments.

Proposed Amendments to the Regulations

It is proposed to amend part 10, Customs Regulations (19 CFR part 10), as set forth below.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

1. The general authority citation for part 10 would continue to read as follows, and specific sectional authority for § 10.91 would be added in appropriate numerical order to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 22, Harmonized Tariff Schedule of the United States (HTSUS)), 1321, 1481, 1484, 1498, 1508, 1623, 1624, 3314.

* * * * *

§ 10.91 also issued under Pub. L. 106–476 (114 Stat. 2101), sections 1434, 1435;

* * * * *

2. It is proposed to amend part 10 by adding after § 10.90 a new center heading entitled ''Prototypes'' followed by a new § 10.91 to read as follows:

Prototypes

§ 10.91 Prototypes used exclusively for product development and testing.

(a) *Duty-free entry; declaration of intent; suspension of liquidation.*

(1) *Entry or withdrawal for consumption.* Articles defined as ''prototypes'' and meeting the other requirements prescribed in paragraph (b) of this section may be entered or withdrawn from warehouse for consumption, duty-free, under subheading 9817.85.01, Harmonized Tariff Schedule of the United States (HTSUS), on Customs Form 7501 or an electronic equivalent. A separate entry or withdrawal must be made for a qualifying prototype article each time the article is imported/reimported to the United States.

(2) *Importer declaration.*—(i) *Entry accepted as declaration.* Entry or withdrawal from warehouse for consumption under HTSUS subheading 9817.85.01 may be accepted by the port director as an effective declaration that the articles will be used solely for the purposes stated in the subheading.

(ii) *Proof of Actual Use.* If it is believed the circumstances so warrant, the port director may request the submission of proof of actual use, executed and dated by the importer. While there is no particular form for this declaration, it may either be submitted in writing, or electronically as authorized by Customs, and must include the following:

(A) A description of the use to be made of the articles set forth in sufficient detail so as to enable the port director to determine whether the articles have been entitled to entry as claimed;

(B) A statement that the articles are not to be put to any other use; and

(C) A statement that neither the articles nor any parts of the articles will be sold, or be incorporated into other products that are sold, after the articles have been entered or withdrawn from warehouse for consumption and prior to the completion of their use as provided in HTSUS subheading 9817.85.01 (see paragraph (b)(2)(ii) of this section).

(b) *Articles classifiable as prototypes.*—(1) *Prototypes defined.* In accordance with U.S. Note 6(a) to Subchapter XVII of Chapter 98, HTSUS, the term ''prototypes'' means originals or models of articles that:

(i) Are either in the preproduction, production or postproduction stage and

are to be used exclusively for development, testing, product evaluation, or quality control purposes (not including automobile racing for purse, prize or commercial competition); and

(ii) In the case of originals or models of articles that are either in the production or postproduction stage, are associated with a design change from current production (including a refinement, advancement, improvement, development or quality control in either the product itself or the means of producing the product).

(2) *Additional requirements.* In accordance with U.S. Note 6(b) to Subchapter XVII of Chapter 98, HTSUS, the following additional restrictions apply to articles that may be classified as prototypes:

(i) *Importations limited.* Prototypes may be imported pursuant to this section only in limited noncommercial quantities in accordance with industry practice.

(ii) *Sale prohibited after entry and prior to use.* Prototypes or parts of prototypes may not be sold, or be incorporated into other products that are sold, after the prototypes have been entered or withdrawn from warehouse for consumption under HTSUS subheading 9817.85.01, unless, after having been used for the purposes for which they were entered or withdrawn from warehouse under HTSUS subheading 9817.85.01, such prototypes or any part(s) of the prototypes may be sold as scrap, waste, or for recycling, as prescribed in paragraph (d) of this section.

(iii) *Articles subject to laws of another agency.* Articles that are subject to licensing requirements, or that must comply with laws, rules or regulations administered by an agency other than Customs before being imported, may be entered as prototypes pursuant to this section if they meet all applicable provisions of law and otherwise meet the definition of prototypes in paragraph (b)(1) of this section.

(iii) *Articles excluded from being prototypes.* Articles subject to quantitative restrictions, antidumping orders or countervailing duty orders are excluded from being classified as prototypes under this section.

(c) *Sale of prototype following use.*—(1) *Sale.* Prototypes or any part(s) of prototypes, after having been used for the purposes for which they were entered or withdrawn under HTSUS subheading 9817.85.01, may only be sold as scrap, waste, or for recycling. This includes a prototype or any part thereof that is incorporated into another product, as scrap, waste, or recycled material. In addition, prototypes or their parts may only be sold as scrap, waste, or for recycling, upon payment of applicable duty on the prototypes or parts, at the rate of duty in effect for such scrap, waste, or recycled materials at the time the prototypes were entered or withdrawn for consumption.

(2) *Notice of sale required.* If, after a prototype has been used for the purposes contemplated in HTSUS subheading 9817.85.01, the prototype or any part(s) of the prototype (including a prototype or any part that is incorporated into another product) is sold as scrap, waste, or for recycling, the importer must provide notice of such sale to the port director where the entry or withdrawal of the prototype was made. A notice must be submitted in connection with the sale, whether or not duty is payable. The notice, if applicable, should not be submitted prior to the submission of the declaration of actual use (see paragraph (c)(1) of this section).

(3) *Form and content of notice; tender of duty.* While no particular form is required for the notice of sale, a consumption entry (Customs Form 7501), appropriately modified, or an electronic equivalent as authorized by Customs, may be used for this purpose. The notice must be filed within 10 business days of the sale. If the article sold is dutiable, the payment of any duty due must be forwarded together with the notice (see paragraph (d)(1) of this section). If the notice is filed electronically, payment of any duty owed will be handled through the Automated Clearinghouse (see § 24.25 of this chapter). In addition, the notice of sale must be executed by the importer, or other person having knowledge of the facts surrounding the sale, and must include the following:

(i) The identity of the prototype, the consumption entry number under which it was imported, a copy of the declaration of actual use, along with a description of the condition of the prototype following use for the intended permissible purposes, including any damage, degradation or deterioration to the article resulting from such use;

(ii) The name and address of the party to whom the article was sold, and (if known) the use to which the party intends to put the article;

(iii) The HTSUS subheading number for scrap, waste, or recycled material, as applicable, claimed in connection with the sale of the prototype, together with the corresponding rate of duty in effect at the time the prototype was originally imported for consumption;

(iv) The value of the prototype article (if dutiable and the duty owed is based upon value) (see paragraph (e)(2) of this section); and

(v) The title of the party executing the declaration and the date of execution.

(4) *Failure to file timely notice.* Failure to file timely the notice of sale or to deposit the appropriate duty shall be a breach of the importer's bond and result in the assessment of liquidated damages.

(e) *Recordkeeping; retention and production.*—(1) *Recordkeeping.* The importer must be prepared to submit to the Customs officer, if requested, such information, including any supporting documents, reports and records, as was necessary for the preparation of the declaration of use in paragraph (a)(2)(ii) of this section, and the notice of sale in paragraph (c)(3) of this section. The submission of the notice of sale is mandatory if a sale occurs after importation. The notice, together with any related supporting evidence, may be subject to such verification as the port director reasonably deems necessary. Such documentary evidence must be made available to the Customs officer, upon request, for a period of five years from the date of filing in complete and proper form, the declaration of use, if requested, and, if applicable, the notice of sale, as provided in § 163.4 of this chapter. The supporting records must be made available to the Customs officer upon request in accordance with § 163.6 of this chapter. The specific documentary evidence necessary to support notice of sale, if applicable, consists of:

(i) The identity of the prototype, including the identity of the consumption entry under which it was imported, and a description of the condition of the prototype following use for the intended permissible purposes, including any damage, degradation or deterioration to the article resulting from such use;

(ii) The name and address of the party to whom the article was sold, and (if known) the use to which the party intends to put the article;

(iii) The HTSUS subheading number for scrap, waste, or recycled material, as applicable, claimed in connection with the sale of the prototype, together with the corresponding rate of duty in effect at the time the prototype was originally imported for consumption;

(iv) The value of the prototype article (if dutiable and the duty owed is based upon value) (see paragraph (e)(2) of this section); and

(v) The title of the party executing the declaration and the date of execution.

(2) *Relevant value for used prototype or parts sold.* For purposes of this section, with respect to any duty owed

on prototypes or parts of prototypes that are sold as scrap, or waste, or for recycling, where the duty owed is based upon value, the relevant value is the market value of the prototypes or parts, based upon their character and condition following use for the purposes prescribed in HTSUS subheading 9817.85.01. The market value will generally be measured by the selling price. Should a prototype or part of a prototype become a component of another product that is sold as scrap, waste, or recycled material, the relevant market value would be that portion of the selling price attributable to the component (prototype or part) as provided in this paragraph.

(f) *Articles admitted under TIB.*—(1) *Duty-free entry available.* Under the procedure presented in paragraph (f)(2) of this section, an entry of an article made under a temporary importation bond (TIB) solely for testing, experimental or review purposes under HTSUS subheading 9813.00.30 may be converted into a duty-free entry under HTSUS subheading 9817.85.01, if the following conditions exist:

(i) The article meets the definition for ''prototypes'' in paragraph (b) of this section (U.S. Note 6(a) to Subchapter XVII, Chapter 98, HTSUS); and

(ii) The TIB entry for the article was in effect and had not been closed, and the TIB period for the article had not expired, as of November 9, 2000.

(2) *Procedure for converting TIB entry to duty-free entry.*—(i) *Importer request.* The importer must submit a written request, or an electronic equivalent as authorized by Customs, that a TIB entry made under HTSUS subheading 9813.00.30, which was in effect and had not been closed, and for which the TIB period had not expired, as of November 9, 2000, be converted instead into a duty-free consumption entry under HTSUS subheading 9817.85.01.

(ii) *Action by Customs.* Customs will convert the TIB entry under HTSUS subheading 9813.00.30 to a duty-free entry under HTSUS subheading 9817.85.01, provided that the port director is satisfied that the conditions set forth in paragraphs (f)(1)(i) and (f)(1)(ii) of this section have been met. When the TIB entry is converted, the bond will be cancelled and the entry closed. Once the conversion is complete, the port director will provide a courtesy acknowledgment to this effect to the importer in writing or electronically.

Robert C. Bonner,

Acting Commissioner of Customs.

Approved: March 5, 2002.

Timothy E. Skud,

Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 02–5557 Filed 3–7–02; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–118861–00]

RIN 1545–AY49

Application of Section 338 to Insurance Companies

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed regulations that apply to a deemed sale or acquisition of an insurance company's assets pursuant to an election under section 338 of the Internal Revenue Code, to a sale or acquisition of an insurance trade or business subject to section 1060, and to the acquisition of insurance contracts through assumption reinsurance. It also contains proposed regulations under section 381 concerning the effect of certain corporate liquidations and reorganizations on certain tax attributes of insurance companies. The proposed regulations apply to insurance companies and to corporations selling and purchasing stock of insurance companies. This document also provides a notice of public hearing on the proposed regulations.

DATES: Written or electronic comments and requests to speak (with outlines of oral comments to be discussed) at the public hearing scheduled for September 18, 2002, must be received by August 28, 2002.

ADDRESSES: Send submissions to: CC:ITA:RU (REG–118861–00), 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–118861–00), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20044. Alternatively, taxpayers may submit comments electronically directly to the IRS Internet site at www.irs.gov/regs. The public hearing will be held in the auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Gary Geisler, (202) 622–3970, or Mark Weiss, (202) 622–7790, concerning submissions of comments, the hearing, and/or to be placed on the building access list to attend the hearing, Guy Traynor, (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

Overview of the Proposed Regulations

These proposed regulations apply to taxable asset acquisitions and dispositions of insurance businesses and companies, many of which occur by virtue of elections under section 338 of the Internal Revenue Code (Code). A number of questions have arisen concerning the tax consequences of such transactions, and numerous requests for clarification were received in response to the proposal of regulations under sections 338 and 1060 (REG–107069–97, 1999–2 C.B. 346, 64 FR 43462) in 1999. The Treasury decision finalizing those regulations in February, 2001, announced the intention of the IRS and Treasury to provide guidance regarding the treatment of a deemed asset sale by an insurance company in a separate project (TD 8940, 2001–15 I.R.B. 1016, 1017, 66 FR 9925). That additional guidance is proposed in this document.

In taxable asset acquisitions governed by section 338 or 1060 generally, the total cost of the acquisition is apportioned among specific assets under a residual method that extrapolates the price of each asset from the overall price of the transaction (including assumed liabilities), ranking the assets in classes for priority of allocation, with goodwill and going concern value (Class VII assets) ranked last and section 197 intangibles (Class VI assets) ranked next to last. *See* §§ 1.338–6(b)(2) and 1.1060–1(a)(1). Rights under an insurance company's outstanding insurance contracts (commonly known as insurance in force) that are acquired through assumption reinsurance as part of a taxable asset acquisition generally are intangible assets that constitute section 197 intangibles within the meaning of section 197(d) and, hence, are classified as Class VI assets under § 1.338–6(b)(2)(vi).

The term *assumption reinsurance* refers to an arrangement whereby the reinsurer, or buyer, becomes solely liable to the policyholders on contracts transferred by the ceding company, or seller, who ceases to have any liability under the transferred contracts. *See* § 1.809–5(a)(7)(ii); see also *Colonial American Life Ins. Co.* v. *Commissioner*, 491 U.S. 244, 247 (1989); *Beneficial Life Ins. Co.* v. *Commissioner*, 79 T.C. 627, 636 (1982). It has historically been the IRS's position that, where insurance contracts are acquired from an insurance company as part of a taxable asset acquisition, the transfer of contract rights and assumption of related liabilities is treated as an assumption reinsurance transaction if the ceding company ceases to be liable to the policyholders. *See Southwestern Life Ins. Co.* v. *Commissioner*, 560 F.2d 627 (5th Cir. 1977), *cert. denied,* 435 U.S. 995 (1978); *see also* H.R. Rep. No. 103–213, 103d Cong., 1st Sess. 687 n.25 (1993); § 1.338–1(a)(2).

Section 1.817–4(d) prescribes rules for the income tax treatment of assumption reinsurance transactions entered into by life insurance companies in the ordinary course of business. Under § 1.817–4(d)(2)(ii) and (iii), the reinsurer is treated as receiving premium income from the reinsured in an amount equal to at least the increase in the reinsurer's reserves resulting from the transaction, and the reinsurer is entitled to deduct the increase in its reserves that is attributable to the acquisition of the insurance contracts. If the reinsurer receives an amount less than the amount of such reserves, the difference is treated as the amount paid by the reinsurer for the purchase of the reinsured contracts (*i.e.*, the ceding commission). The reinsurer must capitalize the ceding commission as an item of deferred expense. Thus, the reinsurer's deduction for its increase in reserves resulting from the assumption reinsurance transaction offsets premium income, and the reinsurer is treated as purchasing intangible assets (i.e., insurance contracts) to the extent that the net consideration received by the reinsurer is less than its increase in reserves. If the actual amount received by the reinsurer exceeds the increase in the reinsurer's reserves resulting from the transaction, the entire amount received by the reinsured is treated as premium income, and the reinsurer is not treated as having paid any amount for the purchase of the reinsured contracts (*i.e.*, the economics of the transaction indicate that the insurance contracts have no positive value).

Under § 1.817–4(d), the ceding company treats the gross amount paid to the reinsurer, reduced by any payment received from the reinsurer, as an item of deduction for consideration paid for reinsurance. *See* § 1.817–4(d)(2)(i). This deduction fully or partially offsets the amount included in the gross income of the ceding company that is attributable to the decrease in the ceding company's reserves as a result of the reinsurance transaction. Because the amount of the deduction is reduced by the amount that the reinsurer actually or implicitly pays to purchase the contracts, the net effect is to treat any amount received by the ceding company for the sale of the reinsured contracts as ordinary income.

Although § 1.817–4(d) applies only to assumption reinsurance transactions involving life insurance companies, the general structure of the regulations is not based on any statutory provisions unique to life insurance companies. Moreover, because these rules are an application of general principles of insurance taxation, many should apply not only to assumption reinsurance transactions, but also to indemnity reinsurance transactions, where the ceding company is not fully relieved of the policy risks.

The proposed regulations generally treat the transfer of an insurance or annuity contract or group of such contracts (hereinafter insurance contracts) and the assumption of related reserve liabilities that are deemed to occur by reason of an election under section 338 in a manner consistent with the treatment of ordinary assumption reinsurance transactions under § 1.817–4(d) and other provisions of subchapter L of chapter 1, subtitle A of the Code and the regulations promulgated thereunder. The proposed regulations provide similar rules for acquisitions of insurance businesses governed by section 1060, whether effected through assumption or indemnity reinsurance. Thus, in the case of both a deemed and an actual transfer of an insurance business, the reinsurer (in the case of a section 338 election, new target) is treated as receiving premium income for its assumption of reserve liabilities and having an offsetting deduction for its increase in reserves, and the ceding company (in the case of a section 338 election, old target) is treated as having income in the amount of the reduction in its reserves and having a deduction for the premium it pays for the reinsurer's assumption of those liabilities. Moreover, consistent with § 1.817–4(d), the consideration allocated to the value of the insurance contracts acquired in the assumption reinsurance transaction is treated as an amount paid by the reinsurer to purchase intangible assets and as ordinary income to the ceding company.

However, section 1.817–4(d) does not fully describe the income tax treatment of insurance contracts that are transferred and the related reserve liabilities that are assumed as part of the acquisition of an entire company or trade or business. In particular, § 1.817–4(d) addresses transactions in which the consideration paid for the transfer of insurance contracts and assumption of related liabilities is known and not part of a larger acquisitive transaction. Therefore, in order to give effect to the principles and rules governing taxable asset acquisitions for all trades or businesses generally, these proposed regulations depart in certain respects from the rules governing assumption reinsurance transactions effected in the ordinary course of business. The key elements of the proposed regulations are as follows:

1. In general, the seller's tax reserves are treated in the same manner as fixed liabilities that have been taken into account for Federal income tax purposes and, thus, the seller's closing tax reserves are treated as a liability in the computation of the seller's aggregate deemed sales price (ADSP) and the buyer's adjusted grossed-up basis (AGUB).

2. The residual method that otherwise applies to transactions governed by sections 338 and 1060 applies to allocate the ADSP and AGUB among classes of transferred assets, including insurance contracts, which constitute Class VI assets (regardless of whether they are section 197 intangibles). Thus, the amount of consideration allocated to insurance contracts under the residual method is treated as the amount paid by the buyer for the purchase of insurance contracts in the assumption reinsurance transaction (i.e., as a ceding commission to the seller).

3. The gross amount of the reinsurance premium paid by the seller to the buyer is deemed to equal the seller's closing tax reserves in all cases, thereby eliminating the possibility of immediate net taxable income to the buyer.

Computation and Allocation of AGUB and ADSP

In accordance with the principles set forth above, these proposed regulations provide rules regarding the computation and allocation of AGUB and ADSP where the target is an insurance company. *See* proposed § 1.338–11(a) through (c). A special rule provides that, for purposes of allocating AGUB and ADSP under the residual method, the fair market value of insurance contracts

is the amount a willing reinsurer would pay a willing ceding company in an arm's length transaction as a ceding commission for the reinsurance of the specific insurance contracts if the gross reinsurance premium for the insurance contracts were equal to old target's tax reserves for the insurance contracts. *See* proposed § 1.338–11(b)(2).

Rules comparable to the proposed rules governing the computation and allocation of AGUB and ADSP are proposed to apply to applicable asset acquisitions under section 1060. See proposed § 1.1060–1(c)(5). To insure that these rules apply only to acquisitions of insurance businesses and not to ordinary reinsurance transactions, the proposed regulations describe when an acquisition of insurance contracts will be treated as an applicable asset acquisition. The proposed regulations provide that the mere reinsurance of insurance contracts by an insurance company is not an applicable asset acquisition, even if it enables the reinsurer to establish a customer relationship with the owners of the reinsured contracts. However, the transfer of an insurance business is an applicable asset acquisition if the purchaser acquires significant business assets, in addition to insurance contracts, to which goodwill and going concern value could attach. See proposed § 1.1060–1(b)(9).

Treatment of Liabilities

For purposes of computing ADSP and AGUB, the proposed regulations treat old target's closing tax reserves (before giving effect to the deemed sale and assumption reinsurance transaction) as a liability. See proposed § 1.338–11(b)(1). The IRS and Treasury recognize that in the context of acquisitions of businesses other than insurance businesses, courts have held that when contingent liabilities assumed in connection with an asset acquisition mature, such liabilities, like fixed liabilities, must be capitalized as a cost of the acquired assets, even if those matured liabilities would have been currently deductible had they been incurred in the acquirer's own historic business. *See Pacific Transport Co.* v. *Commissioner*, 483 F.2d 209, 214 (9th Cir. 1973), *cert. denied,* 415 U.S. 948 (1974); *Illinois Tool Works Inc.* v. *Commissioner*, 117 T.C. No. 4 (July 31, 2001). As a theoretical matter, in the context of acquisitions of insurance businesses, capitalization could be required, and deductions could be disallowed, for all post-acquisition increases in reserves that are attributable to liabilities under acquired insurance contracts that were contingent at the time of the acquisition.

For a number of reasons, however, the IRS and Treasury believe that it would be inappropriate to require capitalization of all such post-acquisition increases in an insurance company's assumed reserve liabilities. First, to the extent that reserves are discounted and post-acquisition increases are attributable to increases in the present value of assumed liabilities reflected in the acquisition date reserves, such increases are more properly treated as a currently deductible business expense of the reinsurer, analogous to interest on a fixed liability, rather than as a capital cost of the acquired assets. Second, to the extent that insurance reserves represent estimates of contingent liabilities under insurance contracts, the IRS and Treasury recognize that adjustments to these estimates are customary and that, unlike adjustments in other businesses, such adjustments may either increase or decrease an insurance company's taxable income. Thus, it would be impractical and inappropriate to treat all such adjustments as adjustments to the cost of acquired assets. No inference, however, is intended regarding the tax treatment of contingent liabilities in situations not covered by these proposed regulations.

Although the IRS and Treasury believe that certain increases in reserves that are attributable to acquired insurance contracts should be currently deductible, the IRS and Treasury believe that post-acquisition reserve increases should be capitalized in certain situations where it becomes clear that the ceding company's tax reserves as of the acquisition date were understated. In such cases, increasing the tax reserves attributable to the acquired insurance contracts after the acquisition should not produce a more favorable result for the reinsurer than had the ceding company increased such reserves before the acquisition. Accordingly, proposed § 1.338–11(d) provides for the capitalization by the reinsurer of certain reserve increases in the four taxable years after the acquisition date.

Tax reserve increases from three sources with respect to acquired contracts could potentially be subject to capitalization under these proposed regulations: increases of unpaid loss reserves attributable to changes in loss estimates, increases of other reserves through changes in methodology or assumptions, and increases of unpaid loss reserves as a result of reinsuring acquired contracts at a loss. See proposed § 1.338–11(d)(3) and (d)(4). In particular, the proposed regulations require capitalization of unpaid loss reserve increases in excess of cumulative annual increases of two percent from the acquisition date reserves for unpaid losses attributable to acquired insurance contracts and for acquired contracts transferred through reinsurance transactions. Capitalization is not required, however, to the extent increases to reserves for unpaid losses attributable to acquired insurance contracts reflect the time value of money. In addition, the reinsurer is not required to capitalize any post-acquisition reserve increases to the extent such increases occur while it is under state receivership or to the extent the deduction for the reserve increase is spread over the 10 succeeding taxable years pursuant to section 807(f). *See* proposed § 1.338–11(d)(2).

To the extent a reinsurer is required to capitalize reserve increases, the reinsurer must include such amount in gross income in the year of the increase to offset the deduction taken under section 832(b)(5) for the reserve increases. The reinsurer must include the amount to be capitalized in AGUB and treat such amount as additional premium received in the deemed asset sale as of the year of the adjustment. *See* proposed § 1.338–11(d)(1). The ceding company does not make any adjustments under this provision. *See* proposed § 1.338–11(d)(1).

Other Issues

In addition to providing guidance regarding the treatment of the deemed asset sale under section 338 and the assumption reinsurance transaction that is deemed to occur in connection therewith, the proposed regulations provide guidance on several other issues that arise in the context of these transactions. In general, these other rules also apply to insurance companies that sell an insurance business in a transaction governed by section 1060 if the sale occurs in connection with the complete liquidation of the ceding company. *See* proposed § 1.1060–1(c)(5). The rules in the proposed regulations under section 197 also apply to reinsurers of insurance businesses in transactions governed by section 1060 if effected through assumption reinsurance.

Amortization Under Section 197

These regulations propose amendments to the regulations under section 197 to provide guidance concerning the treatment under section 197 of insurance contracts acquired through assumption reinsurance transactions. For purposes of this

section, the term *insurance contracts* includes an annuity contract or group of annuity contracts. *See* proposed § 1.197–2(g)(5).

Section 197(f)(5) provides that, in the case of any amortizable section 197 intangible resulting from an assumption reinsurance transaction, the amount taken into account as the adjusted basis of such intangible under section 197 is the excess of (A) the amount paid or incurred by the acquirer in the assumption reinsurance transaction, over (B) the amount required to be capitalized under section 848 in connection with the transaction. For policy related intangibles acquired in an assumption reinsurance transaction, section 197(f)(5) determines the amount that must be capitalized and amortized under section 197 and the portion that may be expensed because it is reflected in the reinsurer's capitalization of specified policy acquisition expenses under section 848.

The current regulations under section 197 reserve the interpretation of section 197(f)(5) in the context of stock acquisitions with respect to which an election under section 338 is made. *See* § 1.197–2(g)(5)(ii)(C). For other assumption reinsurance transactions, § 1.197–2(g)(5)(ii)(A) interprets the amount paid or incurred as the amount determined under § 1.817–4(d)(2) and the amount required to be capitalized under section 848 as the amount of the specified policy acquisition expenses that are attributable to the reinsurer's net positive consideration for the reinsurance agreement (as determined under § 1.848–2(f)(3)).

The proposed regulations clarify that section 197(f)(5) determines the basis of an amortizable section 197 intangible asset with respect to insurance contracts acquired in an assumption reinsurance transaction. *See* proposed § 1.197–2(g)(5)(i)(A). Under these proposed regulations, the amount paid or incurred to acquire the relevant insurance contracts is, in a transaction governed by section 338 or 1060, the amount of the AGUB or consideration allocable to the insurance contracts under the residual method. For this purpose, the insurance contracts are valued by assuming a gross premium equal to the tax reserves. For transactions not governed by section 338 or 1060, the amount paid or incurred for insurance contracts is the excess of the increase in the reinsurer's tax reserves resulting from the transaction (computed in accordance with sections 807, 832(b)(4)(B), and 846) over the value of the net assets received from the ceding company in the transaction. *See* proposed § 1.197–2(g)(5)(i)(C).

Proposed § 1.197–2(g)(5)(i)(D) provides guidance concerning the amount required to be capitalized under section 848 in connection with an assumption reinsurance transaction. Section 848 requires an insurance company to capitalize annually an amount of its ''general deductions'' as ''specified policy acquisition expenses'' (DAC). Each year, an insurance company capitalizes its general deductions (amounts otherwise deductible under sections 161 *et seq.* and 401 *et seq.*) up to the percentage set forth in section 848(c) of the amount by which premiums received on specified insurance contracts in the taxable year exceeds return premiums and premiums paid for reinsurance (net premiums). The assumption reinsurance transaction itself typically generates no general deductions for the reinsurer. Accordingly, the amount to be capitalized must be determined by reference to the reinsurer's other general expenses and the effect of the transaction on the reinsurer's net premiums. The IRS and Treasury believe that, for purposes of section 197(f)(5)(B), the amount required to be capitalized under section 848 in connection with the transaction should take into account the ceding company's actual DAC capitalization amount, based on its general deductions for the year and its net premiums for the year, including premiums received in the assumption reinsurance transaction.

Under the proposed regulations, the computation of the amount described in section 197(f)(5)(B) is based on the actual capitalization amount and is determined at the end of the year by multiplying the DAC for the taxable year by a fraction, the numerator of which is the tentative positive capitalization amount for the relevant group of acquired insurance contracts and the denominator of which is the total tentative positive capitalization amount for the taxable year with regard to all specified insurance contracts. The tentative positive capitalization amount for the acquired insurance contracts is the net positive consideration received for the insurance contracts in the assumption reinsurance transaction multiplied by the percentage factor applicable to the insurance contracts under section 848(c). The total tentative positive capitalization amount for the taxable year is the sum of each year's net premiums (in each category) multiplied by its applicable percentage factor. The total amount required to be capitalized under section 197(f)(5)(B) cannot be less than zero or greater than the amount of the DAC for the year.

The amortization of intangibles under section 197 is a general deduction relevant in computing DAC. The amount of amortization, however, cannot be calculated until section 197(f)(5) is applied to compute the year's DAC. To avoid complex calculations, the proposed regulations assume that, for purposes of calculating the basis for amortization, one-half of the consideration allocated to the insurance contracts is amortizable under section 197. Comments are requested regarding alternative approaches to calculating the basis for DAC and section 197 amortization.

Losses on Dispositions of Acquired Insurance Contracts

In general, gain or loss is recognized on a disposition, including a retirement, of an asset. Section 197(f)(1)(A), however, overrides this general rule and bars the recognition of any loss on the disposition of an amortizable section 197 intangible acquired in a transaction if the taxpayer retains one or more other amortizable section 197 intangibles acquired in the same transaction. Where such a loss is denied, the adjusted bases of the retained intangibles are increased to account for the amount of the unrecognized loss. Section 1.197–2(g)(2)(B) provides that the abandonment of an amortizable section 197 intangible, or any other event rendering an amortizable section 197 intangible worthless, is treated as a disposition for purposes of the loss disallowance rule of section 197(f)(1)(A).

The regulations under section 197, however, do not provide any special guidance on the ability of a taxpayer to recover basis or the proper method for computing loss on the disposition of an amortizable section 197 intangible relating to insurance contracts. Such guidance is necessary because, in contrast to dispositions of other intangibles, subchapter L generally does not compute an ''amount realized'' on the disposition of insurance contracts. Accordingly, the proposed regulations provide such guidance.

Under the proposed regulations, a disposition of a section 197(f)(5) intangible is any event as a result of which, absent section 197, recovery of basis is otherwise allowed for Federal income tax purposes. *See* proposed § 1.197–2(g)(5)(ii)(A). The proposed regulations provide specific guidance regarding when recovery of basis is allowed with respect to a section 197(f)(5) intangible in the context of an indemnity reinsurance transaction. In particular, they provide that basis recovery is permitted when sufficient

economic rights related to the insurance contracts that gave rise to such intangible have been transferred. Sufficient economic rights are treated as transferred when the ceding company transfers the right to future income on insurance contracts. Sufficient economic rights, however, are not treated as transferred if an experience refund provision, a recapture option, or another mechanism enables the taxpayer to retain a right to a substantial portion of the future profits on the reinsured policies. In addition, sufficient economic rights are not treated as transferred if the reinsurer assumes only a limited portion of the ceding company's risk relating to the underlying reinsured contracts (*e.g.,* excess loss reinsurance).

The proposed regulations also provide rules governing the amount of loss recognized on the disposition of a section 197(f)(5) intangible. Such loss equals the amount, if any, by which the adjusted basis of the section 197(f)(5) intangible immediately prior to the disposition exceeds the amount, if any, that the taxpayer receives from another person for the right to future income on the insurance contracts to which the section 197(f)(5) intangible relates. *See* proposed § 1.197–2(g)(5)(ii)(A)(2). The proposed regulations also provide that, in determining the amount of the taxpayer's loss on the disposition of a section 197(f)(5) intangible through a reinsurance transaction, any effect of the transaction on the amounts capitalized by the taxpayer as DAC is disregarded. *See* proposed § 1.197–2(g)(5)(ii)(B).

Other than in the case of certain reinsurance transactions, the proposed regulations do not provide specific guidance regarding when a disposition of a section 197(f)(5) intangible occurs or the extent to which a taxpayer should be permitted to recover the adjusted basis of a section 197(f)(5) intangible. Comments are requested regarding whether additional guidance should address other situations or issues.

Capitalization Under Section 848

DAC amounts are intended to serve as a proxy for an insurance company's actual cost of acquiring insurance contracts. An insurance company's DAC for a particular year will be negative (negative DAC) if return premiums and premiums paid for reinsurance for the year exceed premiums received in that year. Insurance companies are permitted to use any negative DAC to deduct currently the unamortized balance of DAC capitalized in prior years. Any remaining negative DAC can be carried forward to offset the DAC attributable to premiums received in future years.

Under proposed § 1.338–11(e), the assumption reinsurance transaction that results from section 338 generally has the same effect under section 848 as other assumption reinsurance transactions. That is, the assumption reinsurance transaction first reduces the current year's capitalization requirement and then offsets any unamortized DAC capitalized in prior years, which results in a current expense deduction.

The IRS and Treasury believe that, generally, once the ceding company no longer conducts an insurance business and ceases to exist for Federal income tax purposes, any relief from capitalization it might have enjoyed going forward is not appropriately transferred to a taxpayer other than a successor insurance company under section 381. Because regulations under § 1.381(c)(22)–1(b) have not been previously amended to reflect the enactment of section 848, the proposed regulations provide that remaining balances of DAC or excess negative DAC carry over to a successor insurance company in a section 381 transaction. *See* proposed § 1.381(c)(22)–1(b)(13). In all other cases, these proposed regulations provide that if, after giving effect to the reinsurance transaction in the deemed asset sale, the ceding company has remaining DAC or excess negative DAC, that remaining DAC is expensed or excess negative DAC is eliminated. *See* proposed § 1.338–11(e)(2).

Policyholders Surplus Account

Under section 815, as originally enacted by the Life Insurance Company Tax Act of 1959, stock life insurance companies were required to maintain a policyholders surplus account (PSA). Amounts contributed to a PSA were not included in income subject to tax under section 801. This deferral was based on the theory that such amounts may be necessary to meet future policyholders' claims.

The deferral afforded by section 815 generally terminated when there was a distribution from the PSA. For this purpose, a distribution included a distribution in partial or complete liquidation, a distribution in redemption of stock, dividend distributions other than distributions made by a corporation of its stock or rights to acquire its stock, payments attributable to distributions to shareholders made out of other accounts, payments in discharge of indebtedness attributable to distributions to shareholders made out of other accounts, and the balance of policyholders' surplus accounts on termination of life insurance status. *See* section 815, as originally enacted by the Life Insurance Company Tax Act of 1959; § 1.815–2(c); see also H.R. Conf. Rep. No. 34, 86th Cong., 1st Sess. 736 (1959), *Technical Explanation of the Life Insurance Company Income Tax Act of 1959,* at 762–64. However, a distribution did not include a carryover of the PSA to an acquiring corporation in a transaction described in section 381. Section 1.381(c)(22)–1(b)(7)(i); Rev. Rul. 77–248, 1977–2 C.B. 228. Therefore, distributions to a parent life insurance company of its subsidiary life insurance company's assets in the complete liquidation of the subsidiary under section 332 were not treated as distributions of the PSA subject to tax under section 801. *See* Rev. Rul. 77–248.

In 1984, Congress revised section 815 to prohibit further PSA contributions and to provide that any direct or indirect distribution to shareholders from the PSA would be subject to tax under section 801 in the year of the distribution. The legislative history indicates that the term *indirect distribution* is to be interpreted broadly to include both actual and constructive distributions of amounts in the PSA that directly or indirectly are used for the benefit of shareholders. See Staff of the Joint Committee on Taxation, 98th Cong., 2d Sess., *General Explanation of the Revenue Provisions of the Tax Reform Act of 1984,* at 594 (1984).

When a section 338(h)(10) election is made, old target is deemed to sell its assets for the ADSP and to distribute an amount equal to the proceeds of the stock sale, if any, to its shareholders in a deemed liquidation of old target. Section 332 generally applies to the receipt of this amount by the shareholder of an insurance company target. Although section 381 and the regulations thereunder provide that the PSA carries over to the acquiring corporation, the IRS and Treasury believe that where the acquiring corporation acquires less than 50 percent of old target's insurance business, such a rule is appropriate only to the extent that old target's insurance business is distributed in the section 381 transaction. To the extent that old target's insurance business is not distributed in a section 381 transaction, such amount is properly treated as a distribution of old target's PSA under section 815. When old target's PSA is separated from old target's insurance business, the purposes of the PSA are not served by further deferral because the old target's PSA is no longer necessary to meet future policyholders' claims. The separation of old target's

PSA from old target's insurance business effects a distribution of those funds, even if the shareholder receiving the distribution has an insurance business of its own. *See* proposed amendments to § 1.381(c)(22)–1(b)(7) and § 1.338–11(f); see also Rev. Rul. 95–19 (1995–1 C.B. 143).

Recently, some courts have divided over whether the deemed asset sale resulting from a section 338(g) election gives rise to a distribution by old target of the PSA to its shareholders. Compare *Bankers Life and Casualty Co.* v. *United States,* 79 AFTR2d (RIA) 1726 (N.D. Ill. 1996), *aff'd on other grounds,* 142 F.3d 973 (7th Cir. 1998), *cert. denied,* 525 U.S. 961 (1998), with *GE Life and Annuity Co.* v. *United States,* 127 F. Supp.2d 794 (E.D. Va. 2000). In a transaction with respect to which an election has been made under section 338(g), old target's shareholders are treated as having sold their stock of old target. In addition, old target is deemed to have sold its assets to new target for their fair market value and to terminate its existence. Because there has been a separation of the value attributable to the PSA and old target's life insurance business for which it was maintained, and the shareholders receive that value in a transaction other than a section 381 transaction, the proposed regulation effectively provides that the deemed asset sale pursuant to a section 338(g) election effects a distribution of the PSA to old target's shareholders to the extent the grossed-up amount realized for the recently purchased stock exceeds the shareholders surplus account. *See* proposed § 1.338–11(f).

Section 847 Estimated Tax Payments

To the extent that old target is deemed to transfer its insurance business to new target as a result of the deemed asset sale, old target's special loss discount account under section 847(3) must be reduced to the extent attributable to such transferred insurance business and old target must include the amount of such reduction in gross income for the taxable year of the transaction. *See* proposed § 1.338–11(g).

However, if any of old target's insurance business is distributed to its shareholders in a section 381 transaction, the acquiring corporation succeeds to the portion of old target's special loss discount account that is attributable to the insurance business that is transferred to the acquiring corporation. *See* proposed § 1.381(c)(22)–1(b)(14). This rule is intended to apply to both life and non-life insurance companies. Old target may apply the balance of its special estimated tax account as a credit against any tax resulting from the inclusion of this income. Because old target ceases to exist for Federal income tax purposes, any special estimated tax payments remaining after the credit are voided.

Section 846(e) Election

Under section 846(e), an insurance company may elect to compute discounted unpaid losses for all eligible lines of business using its historical payment pattern as shown on the most recent annual statement filed before the accident year instead of the historical payment pattern determined by the Commissioner. The election can only be made in a determination year, as defined by section 846(d), for the year in which the election is made and the four succeeding accident years.

Because new target is generally treated as a new corporation that may adopt its own accounting methods without regard to the methods used by old target (§ 1.338–1(b)), new target is not permitted to apply old target's experience as a result of any section 846(e) election made by old target under section 846. Thus, the proposed regulations do not provide any special rules under section 846.

Proposed Effective Dates

In general, these amendments are proposed to be applicable when filed as final regulations with the **Federal Register**.

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 is hereby certified that these regulations do not have a significant economic impact on a substantial number of small entities. This certification is based on the fact that these regulations do not have a substantial economic impact because they merely provide guidance about the operation of the tax law in the context of acquisitions of insurance companies and businesses. Moreover, they are expected to apply predominantly to transactions involving larger businesses. Therefore, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Pursuant to section 7805(f) of the 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 written comments (preferably a signed original and eight (8) copies) and comments sent via the Internet that are submitted (in the manner described under the **ADDRESSES** portion of this preamble) timely to the IRS. The Department of the Treasury and the IRS specifically request comments on the clarity of the proposed regulations and how they may be made easier to understand. All comments will be available for public inspection and copying.

A public hearing has been scheduled for September 18, 2002, beginning at 10 a.m. in the auditorium, Internal Revenue Building, 1111 Constitution Avenue, 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** portion of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to the hearing.

Persons who wish to present oral comments at the hearing must submit written or electronic comments and an outline of the topics to be discussed and the time to be devoted to each topic (preferably a signed original and eight (8) copies) by August 28, 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 proposed regulations is Mark J. Weiss, Office of Associate Chief Counsel (Corporate), IRS. However, other personnel from the Department of the Treasury and the IRS 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 an entry in numerical order to read in part as follows:

Authority: 26 U.S.C. 7805.

Section 1.338–11 is also issued under 26 U.S.C. 338. * * *

Par. 2. In § 1.197–0, the entries in the table of contents for § 1.197–2, paragraph (g)(5) are revised to read as follows:

§ 1.197–0 Table of contents.

This section lists the headings that appear in § 1.197–2.

§ 1.197–2 Amortization of goodwill and certain other intangibles.

* * * * *

(g) * * *

(5) Treatment of certain insurance contracts.

(i) Determination of adjusted basis of amortizable section 197 intangibles with respect to insurance contracts under section 197(f)(5).

(A) In general.

(B) Assumption reinsurance transactions.

(C) Amount paid or incurred by the reinsurer for the insurance contracts.

(D) Amount required to be capitalized under section 848 in connection with the transaction.

(*1*) In general.

(*2*) Cross references and special rules.

(E) Example.

(ii) Application of loss disallowance rule upon a disposition of an insurance contract acquired in an assumption reinsurance transaction.

(A) Disposition.

(*1*) In general.

(*2*) Treatment of indemnity reinsurance transactions.

(B) Loss.

(C) Examples.

(iii) Effective Date.

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Par. 3. Section 1.197–2 is amended by revising paragraph (g)(5) to read as follows:

§ 1.197–2 Amortization of goodwill and certain other intangibles.

* * * * *

(g) * * *

(5) *Treatment of certain insurance contracts*—(i) *Determination of adjusted basis of amortizable section 197 intangibles with respect to insurance contracts under section 197(f)(5)*—(A) *In general.* Section 197 generally applies to insurance contracts acquired from another person through an assumption reinsurance transaction. Section 197(f)(5) determines the basis of an amortizable section 197 intangible with respect to insurance contracts acquired in an assumption reinsurance transaction. The basis of such an intangible is the excess of the amount paid or incurred by the acquirer (reinsurer) for the relevant insurance contract or group of insurance contracts (hereinafter insurance contracts) over the amount, if any, required to be capitalized under section 848 in connection with such transaction. For purposes of this paragraph (g)(5), the term *insurance contracts* includes an annuity contract or group of annuity contracts.

(B) *Assumption reinsurance transactions.* An assumption reinsurance transaction means an arrangement whereby the reinsurer becomes solely liable to the policyholders on insurance contracts transferred by the ceding company. Thus, the transfer of insurance contracts and assumption of related liabilities deemed to occur by reason of a section 338 election for a target insurance company is treated as an assumption reinsurance transaction.

(C) *Amount paid or incurred by the reinsurer for the insurance contracts.* The amount paid or incurred to acquire insurance contracts is—

(*1*) In a deemed asset sale resulting from an election under section 338, the amount of the AGUB allocable thereto (*see* §§ 1.338–6 and 1.338–11(b)(2));

(*2*) In an applicable asset acquisition within the meaning of section 1060, the amount of the consideration allocable thereto (*see* §§ 1.338–6, 1.338–11(b)(2), and 1.1060–1(c)(5)); and

(*3*) In any other transaction, the excess of the increase in the reinsurer's tax reserves resulting from the transaction (computed in accordance with sections 807, 832(b)(4)(B), and 846) over the value of the net assets received from the ceding company in the transaction.

(D) *Amount required to be capitalized under section 848 in connection with the transaction*—(1) *In general.* With respect to specified insurance contracts (as defined in section 848(e)) acquired in an assumption reinsurance transaction, the amount required to be capitalized under section 848 in connection with the acquisition of the relevant contracts is determined by multiplying the reinsurer's specified policy acquisition expenses for that taxable year by a fraction, the numerator of which is the reinsurer's tentative positive capitalization amount for the relevant acquired insurance contracts and the denominator of which is the reinsurer's total tentative positive capitalization amount for the taxable year with regard to all specified insurance contracts. For purposes of this paragraph, the tentative positive capitalization amount for the relevant acquired insurance contracts is determined by multiplying the net positive consideration received by the reinsurer in the assumption reinsurance transaction for the insurance contracts by the percentage factor applicable to the insurance contracts under section 848(c). The reinsurer's total tentative positive capitalization amount for the taxable year is the sum of—

(*i*) 1.75 percent of the net premiums for the taxable year on annuity contracts;

(*ii*) 2.05 percent of the net premiums for the taxable year on group life insurance contracts; and

(*iii*) 7.7 percent of the net premiums for the taxable year on specified insurance contracts other than annuity or group life insurance contracts.

(2) *Cross references and special rules.* In general, for rules applicable to the determination of specified policy acquisition expenses, net premiums, and net positive consideration, *see* section 848(c) and (d), and § 1.848–2(a) and (f). However, the following special rules apply solely for purposes of this paragraph (g)(5)(i)(D)—

(*i*) Specified policy acquisition expenses cannot be less than zero;

(*ii*) Net premiums for the taxable year cannot be less than the sum of the positive consideration for all contracts acquired by the reinsurer in assumption reinsurance transactions during the applicable taxable year;

(*iii*) In computing general deductions (as defined in section 848(c)(2)), one-half of the amount paid or incurred by the reinsurer in the assumption reinsurance transaction is treated as a section 197 intangible for which an amortization deduction is allowed under section 197(a); and

(*iv*) Any reduction of specified policy acquisition expenses pursuant to an election under § 1.848–2(i)(4) (relating to an assumption reinsurance transaction with an insolvent ceding company) is disregarded.

(E) *Example.* The following example illustrates this paragraph (g)(5)(i):

Example. (i) Facts. On January 15, P purchases all the stock of T, an insurance company, in a qualified stock purchase and makes a section 338 election for T. T is the issuer of a group life insurance contract. Under §§ 1.338–6 and 1.338–11(b)(2), the amount of AGUB allocable to the group contract is $15. P and new T are calendar year taxpayers. New T's net premiums for the taxable year are $10,000, which includes $500 net consideration with respect to the group contract transferred in the transaction. The remaining $9,500 of new T's net premiums are on life insurance contracts that are not group contracts. New T's specified policy acquisition expenses for the taxable year, excluding the amortization of any section 197 intangible acquired in this

transaction, are $199.50. (ii) *Analysis.* The deemed asset sale resulting from the election under section 338 is an assumption reinsurance transaction because new T becomes solely liable to policyholders on contracts for which old T formerly was liable. New T's adjusted basis in the group life insurance contract immediately following the assumption reinsurance transaction is determined as follows. The amount paid or incurred by new T in the assumption reinsurance transaction with respect to the contract is $15. Solely for purposes of computing the basis of new T's amortizable section 197 intangible under section 197(f)(5), new T's specified policy acquisition expenses for the year of the transaction equal $200.00 ($199.50 of other specified policy acquisition expenses for the year + $0.50 of assumed amortization expense under section 197, derived by treating one-half of the amount paid or incurred for the contract as a section 197 intangible for which an amortization deduction is allowed ($15.00 × ½ × 1/15)). To determine the amount required to be capitalized under section 848 in connection with the acquisition of the group contract, new T multiplies the $200 of specified policy acquisition expenses for the taxable year by a fraction, the numerator of which is $10.25 ($500 × 2.05%) and the denominator of which is $741.75 (($500 × 2.05%) + ($9,500 × 7.7%)). Thus, for purposes of applying section 197(f)(5), new T is treated as capitalizing $2.76 ($200 × $10.25 ÷ $741.75) under section 848 in connection with the acquisition of the group contract. Accordingly, the adjusted basis of the group contract under section 197(f)(5) is $12.24, the excess of the amount paid or incurred by the reinsurer for the group contract in the assumption reinsurance transaction ($15) over the amount treated as capitalized under section 848 in connection with the transaction ($2.76). New T amortizes the $12.24 adjusted basis of the group contract over 15 years under section 197. New T deducts the remaining $2.76 of the $15 of AGUB allocable to the contract because it is reflected in amounts new T capitalizes under section 848. In computing its actual capitalization under section 848 for the taxable year, new T takes into account its actual amortization under section 197 (i.e., $12.24 × 1/15 = $0.82) rather than the $0.50 assumed for the purpose of determining basis under section 197(f)(5).

(ii) *Application of loss disallowance rule upon a disposition of an insurance contract acquired in an assumption reinsurance transaction.* The following rules apply for purposes of applying the loss disallowance rules of section 197(f)(1)(A) to the disposition of a section 197(f)(5) intangible. For this purpose, a section 197(f)(5) intangible is an amortizable section 197 intangible the basis of which is determined under section 197(f)(5).

(A) *Disposition*—(1) *In general.* A disposition of a section 197 intangible is any event as a result of which, absent section 197, recovery of basis is otherwise allowed for Federal income tax purposes.

(2) *Treatment of indemnity reinsurance transactions.* The transfer through indemnity reinsurance of the right to the future income from the insurance contracts to which a section 197(f)(5) intangible relates does not necessarily preclude the recovery of basis by the ceding company, provided that sufficient economic rights relating to the reinsured contracts are transferred to the reinsurer. However, the ceding company is not permitted to recover basis in an indemnity reinsurance transaction if it has a right to experience refunds reflecting a significant portion of the future profits on the reinsured contracts, or if it retains an option to reacquire a significant portion of the future profits on the reinsured contracts through the exercise of a recapture provision. In addition, the ceding company is not permitted to recover basis in an indemnity reinsurance transaction if the reinsurer assumes only a limited portion of the ceding company's risk relating to the reinsured contracts (*e.g.,* excess loss reinsurance).

(B) *Loss.* The loss, if any, recognized by a taxpayer on the disposition of a section 197(f)(5) intangible equals the amount by which the taxpayer's adjusted basis in the section 197(f)(5) intangible immediately prior to the disposition exceeds the amount, if any, that the taxpayer receives from another person for the future income right from the insurance contracts to which the section 197(f)(5) intangible relates. In determining the amount of the taxpayer's loss on the disposition of a section 197(f)(5) intangible through a reinsurance transaction, any effect of the transaction on the amounts capitalized by the taxpayer as specified policy acquisition expenses under section 848 is disregarded.

(C) *Examples.* The following examples illustrate the principles of this paragraph (g)(5)(ii):

Example 1—(i) *Facts.* In a prior taxable year, as a result of a section 338 election with respect to T, new T was treated as purchasing all of old T's insurance contracts that were in force on the acquisition date in an assumption reinsurance transaction. Under §§ 1.338–6 and 1.338–11(b)(2), the amount of AGUB allocable to the future income right from the purchased insurance contracts was $15, net of the amounts required to be capitalized under section 848 as a result of the assumption reinsurance transaction. At the beginning of the current taxable year, as a result of amortization deductions allowed by section 197(a), new T's adjusted basis in the section 197(f)(5) intangible resulting from the assumption reinsurance transaction is $12. During the current taxable year, new T enters into an indemnity reinsurance agreement with R, another insurance company, in which R assumes 100 percent of the risk relating to the insurance contracts to which the section 197(f)(5) intangible relates. In the indemnity reinsurance transaction, R agrees to pay new T a ceding commission of $10 in exchange for the future profits on the underlying reinsured policies. Under the indemnity reinsurance agreement, new T continues to administer the reinsured policies, but transfers investment assets equal to the required reserves for the reinsured policies together with all future premiums to R. The indemnity reinsurance agreement does not contain an experience refund provision or a provision allowing new T to terminate the reinsurance agreement at its sole option. New T retains the insurance licenses and other amortizable section 197 intangibles acquired in the deemed asset sale and continues to underwrite and issue new insurance contracts.

(ii) *Analysis.* The indemnity reinsurance agreement constitutes a disposition of the section 197(f)(5) intangible because it involves the transfer of sufficient economic rights attributable to the insurance contracts to which the section 197(f)(5) intangible relates such that recovery of basis is allowed. For purposes of applying the loss disallowance rules of section 197(f)(1) and paragraph (g) of this section, new T's loss is $2 (new T's adjusted basis in the section197(f)(5) intangible immediately prior to the disposition ($12) less the ceding commission ($10)). Therefore, new T applies $10 of the adjusted basis in the section 197(f)(5) intangible against the amount received from R for the future income right on the reinsured policies and increases its basis in the amortizable section 197 intangibles that it acquired and retained from the deemed asset sale by $2, the amount of the disallowed loss. The amount of new T's disallowed loss under section 197(f)(1)(A) is determined without regard to the effect of the indemnity reinsurance transaction on the amounts capitalized by new T as specified policy acquisition expenses under section 848.

Example 2—(i) *Facts.* Assume the same facts as in *Example 1,* except that under the indemnity reinsurance agreement R agrees to pay new T a ceding commission of $5 with respect to the underlying reinsured contracts. In addition, under the indemnity reinsurance agreement, new T is entitled to an experience refund equal to any future profits on the reinsured contracts in excess of the ceding commission plus an annual risk charge. New T also has a right to recapture the business at any time after R has recovered an amount equal to the ceding commission.

(ii) Analysis. The indemnity reinsurance agreement between new T and R does not represent a disposition because it does not involve the transfer of sufficient economic rights with respect to the future income on the reinsured contracts. Therefore, new T may not recover its basis in the section 197(f)(5) intangible to which the contracts relate and must continue to amortize ratably the adjusted basis of the section 197(f)(5) intangible over the remainder of the 15-year recovery period and cannot apply any portion of this adjusted basis to offset the

ceding commission received from R in the indemnity reinsurance transaction.

(iii) *Effective date.* This paragraph (g)(5) is applicable to acquisitions and dispositions on or after the date it is filed as a final regulation with the **Federal Register**. For rules applicable to acquisitions and dispositions on or before that date, *see* § 1.197–2 in effect prior to that date (*see* 26 CFR part 1, revised April 1, 2001).

* * * * *

Par. 4. Section 1.338–0 is amended by adding entries to the outline of topics for § 1.338–11 to read as follows:

§ 1.338–0 Outline of topics.

* * * * *

§ 1.338–11 Effect of section 338 election with respect to insurance company target.

(a) In general.

(b) Computation of ADSP and AGUB.

(1) Reserves as an assumed liability.

(2) Allocation of AGUB and ADSP to specific insurance contracts.

(c) Application of assumption reinsurance principles.

(1) In general.

(2) Reinsurance premium amount.

(3) Ceding commission.

(4) Examples.

(d) Reserve increases by new target after the deemed asset sale.

(1) In general.

(2) Exceptions.

(3) Increases in unpaid loss reserves.

(4) Increases in other reserves.

(5) DAC characteristics of the premium resulting from an adjustment.

(6) Subsequent dispositions of amortizable section 197 intangibles with respect to insurance contracts.

(7) Examples.

(e) Effect of section 338 election on old target's capitalization amounts under section 848.

(1) Determination of net consideration for specified insurance contracts.

(2) Determination of capitalization amount.

(3) Section 381 transactions.

(f) Effect of section 338 election on policyholders surplus account.

(g) Effect of section 338 election on section 847 special estimated tax payments.

(h) Effective date.

Par. 5. Section 1.338–1 is amended by revising the last two sentences of paragraph (a)(2) and adding a sentence before the last sentence of paragraph (a)(3), to read as follows:

§ 1.338–1 General principles; status of old target and new target.

(a) * * *

(2) * * * For example, if the target is an insurance company for which a section 338 election is made, the deemed asset sale results in an assumption reinsurance transaction with respect to the insurance contracts deemed transferred from old target to new target. *See,* generally, § 1.817–4(d), and for specific rules regarding transactions to which section 338 applies, § 1.338–11.

(3) * * * Section 1.338–11 provides special rules for insurance company targets. * * *

* * * * *

Par. 6. Section 1.338–11 is added to read as follows:

§ 1.338–11 Effect of section 338 election with respect to insurance company target.

(a) *In general.* This section provides rules that apply where an election under section 338 is made with respect to a target that is an insurance company. The rules in this section apply in addition to those generally applicable upon the making of an election under section 338. In the case of a conflict between the provisions of this section and other provisions of the Internal Revenue Code or regulations, the rules set forth in this section determine the Federal income tax treatment of the parties and the transaction where a section 338 election is made with respect to an insurance company target.

(b) *Computation of ADSP and AGUB*—(1) *Reserves as an assumed liability.* For purposes of computing ADSP and AGUB under §§ 1.338–4 and 1.338–5, old target's reserves for Federal income tax purposes with respect to any insurance, annuity, and reinsurance contracts deemed sold by old target to new target in the deemed asset sale will be treated as liabilities of old target assumed by new target. Such reserves are those properly taken into account by old target with respect to such contracts at the close of the taxable year ending on the acquisition date (before giving effect to the deemed asset sale and assumption reinsurance transaction). Such reserves are hereinafter referred to as old target's tax reserves.

(2) *Allocation of AGUB and ADSP to specific insurance contracts.* For purposes of allocating AGUB and ADSP pursuant to §§ 1.338–6 and 1.338–7, the fair market value of a specific insurance, reinsurance or annuity contract or group of insurance, reinsurance or annuity contracts (hereinafter insurance contracts) is the amount of the ceding commission a willing reinsurer would pay a willing ceding company in an arm's length transaction for the reinsurance of the contracts if the gross reinsurance premium for the contracts were equal to old target's tax reserves for the contracts. See § 1.197–2(g)(5) for rules concerning the treatment of the amount allocable to insurance contracts acquired in the deemed asset sale.

(c) *Application of assumption reinsurance principles*—(1) *In general.* If a target is an insurance company, the deemed sale of insurance contracts is treated for Federal income tax purposes as an assumption reinsurance transaction between old target, as the reinsured or ceding company, and new target, as the reinsurer or acquiring company, at the close of the acquisition date. The Federal income tax treatment of the assumption reinsurance transaction is determined under the applicable provisions of subchapter L, chapter 1, subtitle A of the Internal Revenue Code, as modified by the rules set forth in this section.

(2) *Reinsurance premium amount.* In general, the gross amount of the premium paid by old target in the assumption reinsurance transaction is equal to the amount of old target's tax reserves with respect to the contracts deemed transferred from old target to new target, as computed in paragraph (b)(1) of this section. Thus, old target is entitled to a deduction for this amount, and includes in income the ceding commission, if any, deemed received from new target. New target is deemed to receive a reinsurance premium from old target in the amount of the reserves for the contracts and to pay old target the amount of any ceding commission, as computed in paragraph (c)(3) of this section.

(3) *Ceding commission.* Old target is deemed to receive a ceding commission in an amount equal to the amount of ADSP allocated to the insurance contracts transferred in the assumption reinsurance transaction, as determined under §§ 1.338–6 and 1.338–7 and paragraph (b) of this section. New target is deemed to pay a ceding commission in an amount equal to the amount of AGUB allocated to the insurance contracts acquired in the assumption reinsurance transaction, as determined under §§ 1.338–6 and 1.338–7 and paragraph (b) of this section.

(4) *Examples.* The following examples illustrate this paragraph (c):

Example 1—(i) *Facts.* On January 1, 2003, T, an insurance company, has the following assets with the following fair market values: $10 cash, $30 of securities, $10 of equipment, a life insurance contract having a value, under paragraph (b)(2) of this section, of $17, and goodwill and going concern value. T has tax reserves of $50 and no other liabilities. On January 1, 2003, P purchases all of the stock of T for $16 and makes a section 338 election for T. For purposes of the capitalization requirements of section 848, assume new T has $20 of general deductions in its first taxable year ending on December

31, 2003, and earns no other premiums during the year.

(ii) *Analysis.* (A) For Federal income tax purposes, the section 338 election results in a deemed sale of the assets of old T to new T. Old T's ADSP is $66 ($16 amount realized for the T stock plus $50 liabilities). New T's AGUB also is $66 ($16 basis for the T stock plus $50 liabilities). See paragraph (b)(1) of this section. Each of the AGUB and ADSP is allocated under the residual method of § 1.338–6 to determine the purchase or sale price of each asset transferred. Each of the AGUB and ADSP is allocated as follows: $10 to cash (Class I), $30 to the securities (Class II), $10 to equipment (Class V), $16 to the life insurance contract (Class VI), and $0 to goodwill and going concern value (Class VII).

(B) Under section 1001, old T's amount realized with respect to the securities is $30 and with respect to the equipment is $10. As a result of the deemed asset sale, there is an assumption reinsurance transaction between old T (as ceding company) and new T (as reinsurer) at the close of the acquisition date with respect to the life insurance contract issued by old T. See paragraph (c)(1) of this section. Although the assumption reinsurance transaction results in a $50 decrease in old T's reserves, which is taxable income to old T, the reinsurance premium paid by old T is deductible by old T. Under paragraph (c)(2) of this section, old T is deemed to pay a reinsurance premium equal to the reserve for the life insurance contract immediately before the deemed asset sale ($50) and is deemed to receive a ceding commission from new T. Under paragraph (c)(3) of this section, the portion of the ADSP allocated to the life insurance contract is $16; thus, the ceding commission is $16. Old T, therefore, is deemed to pay new T a reinsurance premium of $34 ($50 − $16 = $34). Old T also has $34 of net negative consideration for purposes of section 848. See paragraph (e) of this section for rules relating to the effect of a section 338 election on the capitalization of amounts under section 848.

(C) New T obtains an initial basis of $30 in the securities and $10 in the equipment. New T is deemed to receive a reinsurance premium from old T in an amount equal to the $50 of reserves for the life insurance contract and to pay old T a $16 ceding commission for the contract. See paragraphs (c)(2) and (3) of this section. Accordingly, new T includes $50 of premium in income and deducts $50 for its increase in reserves. For purposes of section 848, new T has $34 of net positive consideration with regard to the deemed assumption reinsurance transaction. Because the only contract involved in the deemed assumption reinsurance transaction is a life insurance contract, new T must capitalize $2.62 ($34 × 7.7% = $2.62) under section 848. New T will amortize the $2.62 as provided under section 848. New T's adjusted basis in the life insurance contract, which is an amortizable section 197 intangible, is $13.38, the excess of the $16 ceding commission over the $2.62 capitalized under section 848. See section 197 and § 1.197–2(g)(5). New T deducts the $2.62 of the ceding commission that is not amortizable under section 197 because it is reflected in the amount capitalized under section 848 and also deducts the remaining $17.38 of its general deductions.

Example 2—(i) *Facts.* Assume the same facts as in *Example 1,* except the life insurance contract has a value of $0. Thus, to reinsure the contract in an arm's length transaction, T would have to pay the reinsurer a reinsurance premium in excess of T's $50 of tax reserves for the contract.

(ii) *Analysis.* (A) For Federal income tax purposes, the section 338 election results in a deemed sale of the assets of old T to new T. Old T's ADSP is $66 ($16 amount realized for the T stock plus $50 liabilities). New T's AGUB also is $66 ($16 basis for the T stock plus $50 liabilities). See paragraph (b)(1) of this section. Each of the AGUB and ADSP is allocated under the residual method of § 1.338–6 to determine the purchase or sale price of each asset transferred. Each of the AGUB and ADSP is allocated as follows: $10 to cash (Class I), $30 to the securities (Class II), $10 to the equipment (Class V), $0 to the life insurance contract (Class VI), and $16 to goodwill and going concern value (Class VII).

(B) Under section 1001, old T's amount realized with respect to the securities is $30 and with respect to the equipment is $10. As a result of the deemed asset sale, there is an assumption reinsurance transaction between old T (as ceding company) and new T (as reinsurer) at the close of the acquisition date with respect to the life insurance contract issued by old T. See paragraph (c)(1) of this section. Although the assumption reinsurance transaction results in a $50 decrease in old T's reserves, which is taxable income to old T, the reinsurance premium deemed paid by old T to new T is deductible by old T. Under paragraph (c)(2) of this section, old T is deemed to pay a reinsurance premium equal to the reserve for the life insurance contract immediately before the deemed asset sale ($50), and is deemed to receive from new T a ceding commission equal to the amount of AGUB allocated to the life insurance contract ($0), as provided in paragraph (c)(3) of this section. Old T also has $50 of net negative consideration for purposes of section 848. See paragraph (e) of section for rules relating to the effect of a section 338 election on capitalization amounts under section 848.

(C) New T obtains an initial basis of $30 in the securities and $10 in the equipment. New T is deemed to receive a reinsurance premium from old T in an amount equal to the $50 of reserves for the life insurance contract. Accordingly, new T includes $50 of premium in income and deducts $50 for its increase in reserves. For purposes of section 848, new T has $50 of net positive consideration with respect to the deemed assumption reinsurance transaction. Because the only contract involved in the assumption reinsurance transaction is a life insurance contract, new T must capitalize $3.85 ($50 × 7.7%) under section 848 from the transaction and deducts the remaining $16.15 of its general deductions. Because new T allocates $0 of the AGUB to the insurance contract, no amount is amortizable under section 197 with respect to the insurance contract. See paragraph (d) of this section for rules on adjustments required if, before the end of 2006, new T increases its reserves for, or reinsures at a loss, the acquired life insurance contract.

(d) *Reserve increases by new target after the deemed asset sale*—(1) *In general.* If, during any of its first four taxable years, new target increases its reserves for any insurance contracts acquired in the deemed asset sale (acquired contracts), new target shall be treated as receiving in that year the sum of the positive amounts, if any, described in paragraphs (d)(3) and (4) of this section as an additional premium for the acquired insurance contracts in the assumption reinsurance transaction (described in paragraph (c)(1) of this section) that occurred in connection with the deemed asset sale and will include such amount in income, and such amount will increase AGUB. *See* §§ 1.338–5(b)(2)(ii) and 1.338–7. Old target makes no adjustments to ADSP under this paragraph (d).

(2) *Exceptions.* New target is not required to take into account reserve increases under this paragraph (d)—

(i) To the extent such increases occur while it is under state receivership; or

(ii) To the extent its deduction for the reserve increase is spread under section 807(f) over the 10 succeeding taxable years.

(3) *Increases in unpaid loss reserves.* The amount of reserve increases, if any, taken into account under this paragraph (d) with respect to unpaid losses on acquired contracts is computed using the formula $A/B \times (C - [D + E])$ where—

(i) A equals old target's discounted unpaid losses (determined under section 846) used to compute the tax reserves included in AGUB under paragraph (b)(1) of this section;

(ii) B equals old target's undiscounted unpaid losses (as defined by section 846(b)(1)) used to compute the tax reserves included in AGUB under paragraph (b)(1) of this section;

(iii) C equals new target's undiscounted unpaid losses (as defined by section 846(b)(1)) at the end of the taxable year that are attributable to losses incurred by old target on or before the acquisition date;

(iv) D (which may be a negative number) equals the amount determined by—

(A) Multiplying old target's undiscounted unpaid losses (as defined by section 846(b)(1)) by 1.02 for new target's first taxable year, 1.04 for new target's second taxable year, 1.06 for new target's third taxable year, or 1.08 for new target's fourth taxable year; and

(B) Subtracting the cumulative amount of losses, loss adjustment expenses, and reinsurance premiums paid by new target through the end of

the taxable year with regard to losses incurred by old target on or before the acquisition date; and

(v) E equals the cumulative amount of the undiscounted unpaid losses taken into account in prior taxable years by new target as adjustments to reserves with regard to losses incurred by old target on or before the acquisition date.

(4) *Increases in other reserves.* The amount of the increases in reserves other than unpaid loss reserves is taken into account under this paragraph (d) to the extent of any net increase (in the aggregate) in reserves for acquired contracts due to changes in methodology or assumptions used to compute the reserves for those contracts (including the adoption by new target of a methodology or assumptions different from those used by old target).

(5) *DAC characteristics of the premium resulting from an adjustment.* For purposes of applying section 848, the additional premium arising from the adjustment under this paragraph (d) is allocated among each category of specified insurance contracts under section 848(c)(1) (and contracts that are not specified insurance contracts) as follows—

(i) For each category of specified insurance contracts (and contracts that are not specified insurance contracts), by taking the sum of that category's contribution to the amounts in paragraphs (d)(3) and (4) of this section; and

(ii) Dividing the additional premium described in paragraph (d)(1) of this section in proportion to the positive sums for each category from paragraph (d)(5)(i) of this section.

(6) *Subsequent dispositions of amortizable section 197 intangibles with respect to insurance contracts.* For rules regarding subsequent dispositions of contracts acquired in the deemed asset sale, see also § 1.197–2(g)(5)(ii).

(7) *Examples.* The following examples illustrate this paragraph (d):

Example 1—(i) *Facts.* On January 1, 2003, P purchases all of the stock of T, a non-life insurance company, for $120 and makes a section 338 election for T. On the acquisition date, old T has total reserve liabilities under state law of $725, consisting of undiscounted unpaid losses of $625 and unearned premiums of $100. Old T's tax reserves on the acquisition date are $580, which consist of discounted unpaid losses (as defined in section 846) of $500 and unearned premiums (as computed under section 832(b)(4)(B)) of $80. Old T has assets in Classes I through V with a fair market value of $700. As of the beginning of January 1, 2003, old T also has Class VI assets with a value of $75, consisting of the future profit stream on certain insurance contracts. During 2003, new T makes loss adjustment expense payments of $200 with respect to the unpaid losses incurred by old T prior to the acquisition date. As of December 31, 2003, new T reports undiscounted unpaid losses of $435 attributable to losses incurred prior to the acquisition date. The related amount of discounted losses (as defined in section 846) for those losses is $360.

(ii) *Computation and allocation of AGUB.* Pursuant to § 1.338–5 and paragraph (b)(1) of this section, as of the acquisition date, AGUB is $700, reflecting the sum of the amount paid for old T's stock ($120) and the tax reserves assumed by new T in the transaction ($580). Under § 1.338–6, new T allocates the AGUB to each of the assets in Class I through V up to their fair market value. No AGUB is available for the assets in Class VI, even though the future profit stream on old T's insurance contracts has a fair market value of $75 on the acquisition date.

(iii) *Adjustments for increases in reserves with respect to unpaid losses.* Pursuant to paragraph (d) of this section, new T must determine whether any amounts by which it increased its unpaid loss reserves will be treated as an additional premium. New T applies the formula of paragraph (d)(3) of this section, where A equals $500, B equals $625, C equals $435, D equals $437.50 [($625 × 1.02) − $200], and E equals $0. Under the formula, new T is not subject to an adjustment for 2003 because new T's undiscounted unpaid losses at the end of the taxable year ($435) do not exceed $437.50, the adjusted amount of undiscounted unpaid losses used in computing AGUB reduced by loss payments through the end of the taxable year [($625 × 1.02) − $200].

Example 2—(i) *Facts.* Assume the same facts as in *Example 1.* Further assume that during 2004 new T deducts total loss and expense payments of $375 with respect to losses incurred by old T prior to the acquisition date. On December 31, 2004, new T reports undiscounted unpaid losses of $150 with respect to losses incurred prior to the acquisition date. The related amount of discounted unpaid losses (as defined in section 846) for those losses is $125.

(ii) *Analysis.* New T must determine whether any amounts by which it increased its unpaid loss reserves during 2004 will be treated as an additional premium under paragraph (d) of this section. New T applies the formula of paragraph (d)(3) of this section, where A equals $500, B equals $625, C equals $150, D equals $75 [($625 × 1.04) − $575], and E equals $0. Pursuant to paragraph (d) of this section, new T must recognize additional premium income in 2004 of $60.00 (($500/$625) × ($150—[$75+$0]) to offset the section 832(b)(5) deduction for amounts by which it increased those reserves and must adjust the amount of AGUB allocable to acquired insurance contracts (Class VI assets) to reflect the increase in AGUB attributable to the $60.00 adjustment for increases in reserves. See section 197 and the regulations thereunder for the treatment of the amounts allocable to the insurance contracts.

Example 3—(i) *Facts.* Assume the same facts as in *Example 2.* Further assume that on January 1, 2005, new T reinsures the outstanding liability with respect to losses incurred by old T prior to the acquisition date through a portfolio reinsurance transaction with R, another non-life insurance company. In this transaction, R agrees to assume any remaining liability with respect to losses incurred prior to the acquisition date in exchange for a reinsurance premium of $175. Accordingly, as of December 31, 2005, new T reports no undiscounted unpaid losses with respect to losses incurred by old T prior to the acquisition date.

(ii) *Analysis.* New T must determine whether any amounts by which it increased its unpaid loss reserves will be treated as an additional premium under paragraph (d) of this section. New T applies the formula of paragraph (d)(3) of the section, where A equals $500, B equals $625, C equals $0, D equals −$87.50 [($625 × 1.06) − ($575 + $175) = −$87.50], and E equals $75. New T must include $10.00 (($500/$625) × ($0 − [−$87.50 + $75]) in gross income for 2005 to offset the section 832(b)(5) deduction for increases to its unpaid loss reserve and must increase the AGUB allocable to the acquired insurance contracts (Class VI assets) by this amount. See section 197 and the regulations thereunder for the treatment of the amounts allocable to the insurance contracts.

(e) *Effect of section 338 election on old target's capitalization amounts under section 848*—(1) *Determination of net consideration for specified insurance contracts.* For purposes of applying section 848 and § 1.848–2(f) to the deemed assumption reinsurance transaction, old target's net consideration (either positive or negative) with respect to each category of specified insurance contracts is an amount equal to—

(i) The allocable portion of the ceding commission (if any) relating to contracts in that category; less

(ii) The amount by which old target's tax reserves for contracts in that category has been reduced as a result of the deemed assumption reinsurance transaction.

(2) *Determination of capitalization amount.* Except as provided in § 1.381(c)(22)–1(b)(13)—

(i) If, after the deemed asset sale, old target has an amount otherwise required to be capitalized under section 848 for the taxable year or an unamortized balance of specified policy acquisition expenses from prior taxable years, then old target deducts such remaining amount or unamortized balance as an expense incurred in the taxable year that includes the acquisition date; and

(ii) If, after the deemed asset sale, the negative capitalization amount resulting from the reinsurance transaction exceeds the amount that old target can deduct under section 848(f)(1), then old target's capitalization amount is treated as zero at the close of the taxable year that includes the acquisition date.

(3) *Section 381 transactions.* For transactions described in section 381, see § 1.381(c)(22)–1(b)(13).

(f) *Effect of section 338 election on policyholders surplus account.* Except as specifically provided in § 1.381(c)(22)–1(b)(7), the deemed asset sale effects a distribution of old target's policyholders surplus account to the extent the grossed-up amount realized on the sale to the purchasing corporation of the purchasing corporation's recently purchased target stock (as defined in § 1.338–4(c)) exceeds old target's shareholders surplus account under section 815(c).

(g) *Effect of section 338 election on section 847 special estimated tax payments.* If old target had elected to claim an additional deduction under section 847 for taxable years prior to and including the acquisition date, the amount remaining in old target's special loss discount account under section 847(3) must be reduced to the extent it relates to contracts transferred to new target and the amount of such reduction must be included in old target's gross income for the taxable year that includes the deemed assumption reinsurance transaction. Old target may apply the balance of its special estimated tax account as a credit against any tax resulting from such inclusion in gross income. Any special estimated tax payments remaining after this credit are voided and, therefore, are not available for credit or refund. Pursuant to section 847(1), new target is permitted to claim a section 847 deduction with respect to losses incurred prior to the deemed asset sale, subject to the general requirement that new target makes timely special estimated tax payments equal to the tax benefit resulting from this deduction. *See* § 1.381(c)(22)-1(c)(14) regarding the carryover of the special loss discount account attributable to contracts transferred in a section 381 transaction.

(h) *Effective date.* This section applies to a section 338 election for a target if the acquisition date is on or after the date this section is filed as a final regulation with the **Federal Register**.

Par. 7. Section 1.381(c)(22)–1 is amended by:

1. Adding a sentence to the end of paragraph (b)(7)(i).

2. Redesignating existing (b)(7)(ii) as paragraph (b)(7)(iv) and adding new paragraphs (b)(7)(ii) and (b)(7)(iii).

3. Adding paragraphs (b)(7)(v), and (b)(13) and (b)(14).

The revisions read as follows:

§ 1.381(c)(22)–1 Successor life insurance company.

* * * * *

(b) * * *

(7)(i) * * * However, any amounts attributable to money or other property distributed to a person other than the acquiring corporation under section 381(a) (*e.g.,* boot) shall be treated as a distribution under section 815.

(ii) Notwithstanding paragraph (b)(7)(i) of this section, if the transferor corporation transfers less than 50 percent of its insurance business to the acquiring corporation, then the acquiring corporation shall succeed to a ratable portion of the dollar balances in the transferor's shareholders surplus account, policyholders surplus account, and other accounts. The percentage of such accounts to which the acquiring corporation succeeds is determined by the ratio of the transferor's insurance reserves for the contracts transferred to the acquiring corporation, as maintained under section 816(b), to the transferor's reserves for all of its contracts maintained under section 816(b) immediately before the earlier of the distribution or transfer or the adoption of the plan of liquidation or reorganization. For transactions in which the transferor liquidates pursuant to an election under section 338(h)(10), *see* § 1.338–11(f) for the treatment of its remaining policyholders surplus account. For all other transactions subject to this paragraph, the transferor must take into account as income its remaining policyholders surplus account to the extent the fair market value of its assets (net of liabilities) transferred to the acquiring corporation or to the transferor's shareholders pursuant to the plan of liquidation or reorganization exceeds the transferor's remaining shareholders surplus account.

(iii) If, pursuant to a plan in existence at the time of the liquidation or reorganization, the acquiring corporation transfers any insurance or annuity contract it received in the liquidation or reorganization to another person, then, for purposes of paragraph (b)(7)(ii) of this section, that contract shall be deemed to have been transferred by the transferor to that other person after the adoption of the plan of liquidation or reorganization. If the transferor is an old target within the meaning of § 1.338(h)(10)–1(d)(2), any transfer by the acquiring corporation to the purchasing corporation (as defined in § 1.338–2(c)(11)) or to any person related to the purchasing corporation within the meaning of section 197(f)(9)(C) within two years of the transfer described in section 381(a) will be presumed to have been pursuant to a plan in existence at the time of the liquidation or reorganization.

* * * * *

(v) The provisions of this paragraph (b)(7) are illustrated by the following examples:

Example 1. P buys the stock of insurance company target, T, from S for $16, and P and S make a section 338(h)(10) election for T. T transfers no insurance contracts to S, or any related party, in connection with the transaction. Further, assume that T had $10 in its policyholders surplus account and no balance in its shareholders surplus account or other accounts. Immediately before the deemed asset sale, old T is required to include as ordinary income the $10 in the policyholders surplus account.

Example 2. Assume the same facts as in *Example 1,* except that T holds a block of life insurance contracts P does not wish to acquire, and, immediately before the sale of T stock, S causes T to distribute the unwanted block of insurance contracts to S. Further, assume that S is an insurance company, that the distribution of contracts is treated as pursuant to a section 332 liquidation, and that old T's tax reserves with respect to the distributed contracts represent one-tenth of old T's tax reserves with respect to all of its life insurance contracts. Because T transfers less than 50 percent of its life insurance business to S pursuant to a section 332 liquidation, S succeeds to a ratable portion of old T's policyholders surplus account ($1), and old T includes as ordinary income the remaining $9 of that account.

Example 3. Assume the same facts as in *Example 2,* except that 14 months after the deemed asset sale, S and X, a person related to new T under section 197(f)(9)(C), engage in an indemnity reinsurance transaction involving the contracts transferred to S from old T. Because X is related to the purchasing corporation (P) under section 197(f)(9)(C), and X receives contracts from the acquiring corporation (S) that S acquired from old T within two years of the transfer from old T to S, the contracts are presumed to have been transferred pursuant to a plan in existence at the time of old T's liquidation. If S cannot establish otherwise, old T is treated as having distributed the remainder of its policyholders surplus account. In that case, in the taxable year of the indemnity reinsurance transaction, S takes into account as ordinary income the portion of old T's accounts ($9) that old T or S has not previously taken into account as income.

* * * * *

(13) The transferor's unamortized policy acquisition expenses or positive or negative capitalization requirements on its specified insurance contracts.

(14) The special loss discount account, provided, however, that the acquiring corporation will succeed to the special loss discount account only to the extent that it is attributable to the portion of the transferor's insurance business acquired by the acquiring corporation in the section 381 transaction.

Par. 8. Section 1.1060–1 is amended by:

1. Revising paragraph (a)(2).

2. Adding entries in paragraph (a)(3) in the outline of topics for paragraphs (b)(9) and (c)(5).

3. Adding new paragraphs (b)(9) and (c)(5).

The revision and addition read as follows:

§ 1.1060–1 Special allocation rules for certain asset acquisitions.

(a) * * *

(2) *Effective dates.* In general, the provisions of this section apply to any asset acquisition occurring after March 15, 2001. However, paragraphs (b)(9) and (c)(5) of this section apply only to applicable asset acquisitions occurring on or after the date they are filed as final regulations with the **Federal Register**. For rules applicable to asset acquisitions on or before March 15, 2001, see § 1.1060–1T in effect prior to March 16, 2001 (see 26 CFR part 1 revised April 1, 2000).

(3) * * *

* * * * *

(b) * * *

(9) Insurance business.

(c) * * *

(5) Insurance business.

* * * * *

(b) * * *

(9) *Insurance business.* The mere reinsurance of insurance contracts by an insurance company is not an applicable asset acquisition, even if it enables the reinsurer to establish a customer relationship with the owners of the reinsured contracts. However, a transfer of an insurance business is an applicable asset acquisition if the purchaser acquires significant business assets, in addition to insurance contracts, to which goodwill and going concern value could attach. For rules regarding the treatment of an applicable asset acquisition of an insurance business, see paragraph (c)(5) of this section.

(c) * * *

(5) *Insurance business.* If the trade or business transferred is an insurance business, the rules of this paragraph (c) are modified by the principles of § 1.338–11(a) through (d). However, in transactions governed by section 1060, such principles apply even if the transfer of the trade or business is effected in whole or in part through indemnity reinsurance rather than assumption reinsurance, and, with respect to the insurer or reinsurer, an insurance contract (including an annuity or reinsurance contract) is a Class VI asset regardless of whether it is a section 197 intangible. In addition, the principles of § 1.338–11(e) through (g) apply if the transfer occurs in connection with the complete liquidation of the transferor.

* * * * *

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

[FR Doc. 02–5485 Filed 3–7–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 46

[REG–125450–01]

RIN 1545–AY93

Liability for Insurance Premium Excise Tax; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulations relating to liability for insurance premium excise tax.

DATES: The public hearing originally scheduled for Tuesday, March 19, 2002, at 10 a.m., is cancelled.

FOR FURTHER INFORMATION CONTACT: Guy Traynor, Regulations Unit, Assistant Chief Counsel (Income Tax & Accounting), (202) 622–7180 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on January 7, 2002 (67 FR 707), announced that a public hearing was scheduled for March 19, 2002 at 10 a.m., in room 4718 of the Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC. The subject of the public hearing is proposed regulations under section 4371 of the Internal Revenue Code. The public comment period for these proposed regulations expired on February 26, 2002. The notice of proposed rulemaking and notice of public hearing, instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of January 7, 2002, no one has requested to speak. Therefore, the public hearing scheduled for March 19, 2002 is cancelled.

Cynthia E. Grigsby,

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

[FR Doc. 02–5484 Filed 3–7–02; 8:45 am]

BILLING CODE 4830–01–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 2002–1A]

Notice and Recordkeeping for Use of Sound Recordings under Statutory License

AGENCY: Copyright Office, Library of Congress.

ACTION: Extension of comment period.

SUMMARY: The Copyright Office of the Library of Congress is extending the time period for filing comments on its Notice of Proposed Rulemaking concerning requirements by which copyright owners shall receive reasonable notice of the use of their works from digital transmission services, and how records of such use shall be kept and made available to copyright owners.

DATES: Comments are due no later than April 5, 2002. Reply comments are due April 26, 2002.

ADDRESSES: If sent by mail, an original and ten copies of comments and reply comments should be addressed to: Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC 20024. If hand delivered, comments and reply comments should be brought to: Office of the General Counsel, James Madison Building, Room LM–403, First and Independence Ave., SE., Washington, DC 20559–6000.

FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel, or Tanya M. Sandros, Senior Attorney, Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707–8380. Telefax: (202) 252–3423.

SUPPLEMENTARY INFORMATION: A sound recording may be publicly performed by means of a digital audio transmission under a statutory license provided that the user adheres to the terms of the license and the regulations established by the Copyright Office governing notice and recordkeeping. *See* 17 U.S.C. 114. On February 7, 2002, the Copyright

Office published a Notice of Proposed Rulemaking which announced the proposed rules for giving copyright owners reasonable notice that their sound recordings are being used under the statutory digital performance right license, and set forth rules for maintaining records of use and making them available to copyright owners. 67 FR 5761 (February 7, 2002). The notice also included proposed rules concerning notice and recordkeeping requirements associated with the use of a second statutory license which provides for the making of the ephemeral phonorecords needed to effectuate the transmission of the sound recordings. 17 U.S.C. 112.

On March 1, 2002, counsel for Sirius Satellite Radio Inc., Clear Channel Communications, Salem Communications Corp., and the National Religious Broadcasters Music License Committee asked the Copyright Office to extend the filing deadline for this proceeding. Subsequently, the Office was notified that the recording industry and the webcasters supported the broadcasters' request for an extension of time. These parties seek an extension for filing the requested comments so that they can engage in detailed discussions concerning the issues raised in the Notice of Proposed Rulemaking.

In recognition of the complexity of the proposed rulemaking and the possibility for productive discussions among interested parties, the Office is extending the period for filing comments and replies in this proceeding. Comments shall be due on April 5, 2002, and reply comments shall be due on Friday, April 26, 2002.

Dated: March 6, 2002.

Marilyn J. Kretsinger,

Assistant General Counsel.

[FR Doc. 02–5738 Filed 3–7–02; 8:45 am]

BILLING CODE 1410–31–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA247–0299; FRL–7149–4]

Revisions to the California State Implementation Plan, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a limited approval and limited disapproval of revisions to the South Coast Air Quality Management District (SCAQMD) portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from several source categories such as aerospace manufacturing and coating, metal parts coating, wood products coating, and fiberglass composite manufacturing. We are proposing action on a local rule, Rule 1132, regulating these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by April 8, 2002.

ADDRESSES: Mail comments to Andy Steckel, Rulemaking Office Chief (AIR–4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

You can inspect copies of the submitted SIP revisions and EPA's technical support documents (TSDs) at our Region IX office during normal business hours. You may also see copies of the submitted SIP revisions at the following locations: California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 ''I'' Street, Sacramento, CA 95814; and, South Coast Air Quality Management District, 21865 East Copley Drive, Diamond Bar, CA 91765–4182.

FOR FURTHER INFORMATION CONTACT: Jerald S. Wamsley, Rulemaking Office (AIR–4), U.S. Environmental Protection Agency, Region IX, (415) 947–4111.

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

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I. The State's Submittal

A. What Rule Did the State Submit?

Table 1 lists the rule addressed by this proposal with the date that it was adopted by the SCAQMD and submitted by the California Air Resources Board (CARB).

TABLE 1.—SUBMITTED RULE

Local agency	Rule No.	Rule title	Adopted	Submitted
SCAQMD	1132	Further Control of VOC Emissions from High-Emitting Spray Booth Facilities.	01/19/01	05/08/01

On July 20, 2001, EPA found this rule submittal met the completeness criteria in 40 CFR Part 51 Appendix V. These criteria must be met before formal EPA review can begin.

B. Are There Other Versions of This Rule?

There is no previous version of Rule 1132 in the SIP and there are no extant submittals of Rule 1132 beyond the submittal in today's action.

C. What Is the Purpose of the Submitted Rule Revisions?

SCAQMD Rule 1132 is a rule designed to reduce volatile organic compound (VOC) emissions at industrial sites engaged high emitting spray booth operations such as aerospace manufacturing facilities, miscellaneous metal parts coating operations, wood products coating operations, and fiberglass composite manufacturing facilities. VOCs are emitted during the preparation and coating of the given substrate, as well as the drying phase of the coating process. Rule 1132 establishes a 65% VOC emission reduction requirement either by add-on controls, by coating formulation, or a combination of either technique. SCAQMD's Rule 1132 includes the following provisions:

—Rule purpose and applicability;
—Definitions of terms used within the rule;
—Emission reduction requirements;
—Alternative compliance plans;
—Compliance schedules;

—Test methods for determining compliance with the rule;
—Record keeping to demonstrate compliance with the rule; and,
—Exemptions from the rule.

The TSD has more information about this rule.

II. EPA's Evaluation and Action

A. How Is EPA Evaluating This Rule?

Generally, SIP rules must be enforceable (see section 110(a) of the Act), must require Reasonably Available Control Technology (RACT) for major sources in nonattainment areas (see section 182(a)(2)(A)), and must not relax existing requirements (see sections 110(l) and 193). The SCAQMD regulates an ozone nonattainment area (see 40 CFR 81), so Rule 1132 must fulfill RACT.

Guidance and policy documents that we used to define specific enforceability and RACT requirements include the following:

1. Portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044, November 24, 1987.

2. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations; Clarification to Appendix D of November 24,1987 **Federal Register** Notice,'' (Blue Book), notice of availability published in the May 25, 1988 **Federal Register**.

B. Does the Rule Meet the Evaluation Criteria?

This rule improves the SIP by seeking additional VOC emission reductions from these high VOC emitting facilities. This rule is mostly consistent with the relevant policy and guidance regarding enforceability, RACT and SIP relaxations. However, there are Rule 1132 provisions which do not meet the evaluation criteria; these provisions are summarized below and discussed further in the TSD.

C. What Are the Rule's Deficiencies?

These provisions conflict with section 110 and part D of the Act and prevent full approval of the SIP revision. In general, Section (d) Alternative Compliance Plans allows for ''director's discretion.'' This section does not specify the emission estimation protocols needed to evaluate alternative compliance plans for compliance with the rule. Specific section (d) provisions are discussed below.

1. Section (d)(1) describes a series of actions that composite manufacturing facilities must comply with as part of submitting an Alternative Compliance Plan. SCAQMD states that these measures can be expected to achieve a facility average of 40% reductions while new techniques are developed by 2004 that will achieve the 65% VOC reduction requirement of the rule. However, the rule needs to specify how compliance with the 65% requirement will be demonstrated.

2. Section (d)(3) does not delimit ''director's discretion'' in any manner. Such discretion should be delimited by emission estimation protocols and specific criteria for judging compliance.

As an alternative to specific estimation protocols and emission factors, Section (d) can be amended to include language specifying EPA review and approval of all alternative compliance plans.

D. EPA Recommendations to Further Improve the Rule

The TSD describes additional rule revisions that do not affect EPA's current action but are recommended for the next time the local agency modifies the rule.

E. Proposed Action and Public Comment

As authorized in sections 110(k)(3) and 301(a) of the Act, EPA is proposing a limited approval of Rule 1132 to improve the SIP. If finalized, this action would incorporate the submitted rules into the SIP, including those provisions identified as deficient. This approval is limited because EPA is simultaneously proposing a limited disapproval of the rules under section 110(k)(3). If this disapproval is finalized, sanctions will be imposed under section 179 of the Act unless EPA approves subsequent SIP revisions that correct the rule deficiencies within 18 months. These sanctions would be imposed according to 40 CFR 52.31. A final disapproval would also trigger the federal implementation plan (FIP) requirement under section 110(c). Note that Rule 1132 has been adopted by the SCAQMD, and EPA's final limited disapproval would not prevent the local agency from enforcing it.

We will accept comments from the public on the proposed limited approval and limited disapproval for the next 30 days.

III. Background Information

A. Why Was This Rule Submitted?

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control VOC emissions. Table 2 lists some of the national milestones leading to the submittal of these local agency VOC rules.

TABLE 2.—OZONE NONATTAINMENT MILESTONES

Date	Event
March 3, 1978	EPA promulgated a list of ozone nonattainment areas under the Clean Air Act as amended in 1977. 43 FR 8964; 40 CFR 81.305.
May 26, 1988	EPA notified Governors that parts of their SIPs were inadequate to attain and maintain the ozone standard and requested that they correct the deficiencies (EPA's SIP—Call). See section 110(a)(2)(H) of the pre-amended Act.
November 15, 1990	Clean Air Act Amendments of 1990 were enacted. Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q.
May 15, 1991	Section 182(a)(2)(A) requires that ozone nonattainment areas correct deficient RACT rules by this date.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866, Regulatory Planning and Review.

B. Executive Order 13211

This proposed rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 Fed. Reg. 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

C. Executive Order 13045

Executive Order 13045, entitled 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 does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13132

Executive Order 13132, entitled Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612, Federalism and 12875, Enhancing the Intergovernmental Partnership. Executive Order 13132 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 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 proposed 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, because it merely acts on a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this proposed rule.

E. Executive Order 13175

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. Thus, Executive Order 13175 does not apply to this rule. In the spirit of Executive Order 13175, and consistent with EPA policy to promote communications between EPA and tribal governments, EPA specifically solicits additional comment on this proposed rule from tribal officials.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements 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 not-for-profit enterprises, and small governmental jurisdictions.

This proposed rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply act on requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

EPA's proposed disapproval of the state request under section 110 and subchapter I, part D of the Clean Air Act does not affect any existing requirements applicable to small entities. Any pre-existing federal requirements remain in place after this disapproval. Federal disapproval of the state submittal does not affect state enforceability. Moreover, EPA's disapproval of the submittal does not impose any new Federal requirements. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA,* 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

G. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the proposed action does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This proposed Federal action acts on pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

H. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical

standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

EPA believes that VCS are inapplicable to today's proposed action because it does not require the public to perform activities conducive to the use of VCS.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compound.

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

Dated: October 4, 2001.

Sally Seymour,

Acting Regional Administrator, Region IX.

[FR Doc. 02–5601 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[IN139–1b; FRL–7155–4]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve, through direct final procedure, a negative declaration submitted by the State of Indiana which indicates there is no need for regulations covering existing Small Municipal Waste Combustors (MWC) in the State. The State's negative declaration regarding this category of sources was submitted in letters dated November 7, 2001, and December 3, 2001, and was based on a systematic search of the State's internal data bases. The intent of the State's action is to satisfy a Federal requirement to develop a plan to control emissions from small MWCs or to declare there are no sources of this type in the State.

In the Final Rules section of this **Federal Register**, EPA is approving the State's negative declaration request as a direct final rule without prior proposal because EPA views this action as noncontroversial and anticipates no adverse comments. The rationale for approval is set forth in the direct final rule. If no written adverse comments are received in response to the direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives meaningful written 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. If no adverse written comments are received, the direct final rule will take effect on the date stated in that document and no further activity will be taken on this proposed rule. Any party interested in commenting on this negative declaration should do so at this time.

DATES: Comments on this action must be received by April 8, 2002.

ADDRESSES: Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. A copy of the State's negative declaration request is available for inspection at the above address.

FOR FURTHER INFORMATION CONTACT: John Paskevicz, Environmental Engineer, Regulation Development Section, Air Programs Branch (AR–18J), USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6084.

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

I. What Actions Are EPA Taking Today?
II. Where Can I Find More Information About This Proposal and Corresponding Direct Final Rule?

I. What Actions Are EPA Taking Today?

The EPA is proposing to approve a negative declaration submitted by the State of Indiana which indicates there is no need for regulations to control emissions from small Minicipal Waste Combustors in the State. The State performed an analysis which shows that there are no small MWCs in Indiana.

II. Where Can I Find More Information About This Proposal and Corresponding Direct Final Rule?

For additional information see the direct final rule published in the rules section of this **Federal Register**.

Authority: 42 U.S.C. 4201–7601q.

Dated: February 28, 2002.

Norman Niedergang,

Acting Regional Administrator, Region 5.

[FR Doc. 02–5599 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[IB Docket No. 02–18, FCC 02–28]

Enforcement of Other Nations' Prohibitions Against the Uncompleted Call Signaling Configuration of International Call-back Service

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document solicits comments on the Commission's international comity-based call-back enforcement policy. The Commission initiated this proceeding because the changes in the international telecommunications market warrant a review of the policy. The Commission believes that this proceeding will promote competition in the international telecommunications market.

DATES: Comments are due on or before April 15, 2002, and reply comments are due on or before May 15, 2002.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 445 12th Street, SW., Room TW–B204F, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Belinda Nixon, International Bureau, (202) 418–1460.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making (NPRM), FCC 02–28, adopted on January 30, 2002, and released on February 13, 2002. The full text of this document is available for inspection and copying during normal business hours in the Office of Media Relations, Reference Operations Division, (Room CY–A257) of the Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. The document is also available for download over the Internet at *http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC–02–28A1.pdf.* The complete text of this document also may be purchased from the Commission's copy contractor, Qualex, Portals II, 445 12th St., SW., Room CY–B402, Washington, DC 20054, telephone (202) 863–2893.

Summary of Notice of Proposed Rulemaking

1. On February 13, 2002, the Commission released a Notice of Proposed Rulemaking (NPRM) to review the Commission's international call-back enforcement policy. International call-back arrangements allow foreign

callers to take advantage of low U.S. international services rates, many of which are significantly lower than the rates available in their home countries. Specifically, the Commission's international call-back policy extends to the uncompleted call signaling configuration of call-back. Uncompleted call signaling involves a foreign caller who dials the call-back provider's switch in the United States, waits a predetermined number of rings, and hangs up before the switch answers. The switch then automatically returns the call, and upon completion, provides the caller in the foreign country with a U.S. dialtone.

2. In a 1994 order, the Commission authorized U.S. carriers to provide call-back service. The Commission determined that international call-back serves the public interest by promoting competition in international markets and could place significant downward pressure on foreign collection rates, to the ultimate benefit of U.S. ratepayers and industry. Additionally, the Commission concluded that the provision of call-back does not violate U.S. law or international law or regulations.

3. On reconsideration, however, the Commission examined the provision of call-back in light of international comity. The Commission concluded in 1995 that the United States should assist in the enforcement of foreign laws that ban call-back. The Commission adopted a policy prohibiting U.S. carriers from offering international call-back using the completed call signaling configuration to countries where it has been expressly prohibited. Foreign governments were invited to notify the Commission of the legality of call-back within their territory. The Commission required that any notification include specific documentation of a legal restriction on international call-back using uncompleted call signaling, evidence of violations by particular carriers, and a description of enforcement measures attempted by that foreign government. The Commission maintains a public file containing the submitted material.

4. Since adopting its call-back policy in 1995, the Commission has taken significant steps to open the U.S. international market to competition and to enhance consumer benefits on U.S. international routes. Also, the global commitment to competition policy has increased dramatically. The Telecommunications Resellers Association (TRA) filed a petition requesting that the Commission adopt an NPRM to review the international call-back policy. In light of these developments and TRA's petition, the Commission initiated this proceeding to review the comity-based call-back policy.

5. Specifically, the Commission seeks comment on whether it should eliminate the existing comity-based prohibitions and thus, discontinue the policy that allows a foreign government or entity to make use of the enforcement mechanisms of the Commission to prohibit the U.S. carriers from offering one form of call-back abroad.

6. The Commission previously declared that ''foreign governments bear the principal responsibility for enforcing their domestic laws, just as our mandate is to implement the statutory requirements of the Communications Act.'' In the Telecommunications Act of 1966, Congress directed the Commission to provide for a pro-competitive deregulatory national framework and mandated that, with respect to domestic markets, no state or local government could prohibit an entity from offering telecommunications services. The NPRM seeks comment on the impact of the 1996 Act on the Commission's comity-based call-back policy.

7. The NPRM describes the Commission's recent initiatives to promote competition in the U.S. market for international services and enhance consumer benefits on U.S. international routes. The NPRM seeks comment on whether the balancing of interests involved in the decision to adopt the call-back policy has shifted. The NPRM concludes that the Commission should have a clear, consistent policy in favor of competition on U.S. international routes and foreign markets. This pro-competitive policy should extend to all forms of call-back. The current comity-based policy may be construed as diminishing the Commission's support for competitive forces. The NPRM seeks comment on whether it is no longer appropriate for the Commission to maintain comity-based prohibitions and engage in enforcement actions in support of foreign laws that serve to restrict competition.

8. The NPRM describes the difficulties of administering the current call-back policy. The Commission believes that eliminating the current policy would not constitute a rejection of the sovereign rights of any foreign government. The Commission does not propose to mandate that a foreign government adopts the Commission's pro-competitive policies. Rather, the NPRM seeks comment on whether we should eliminate the use of the Commission's enforcement mechanisms to restrict competition in the international services market.

9. The Commission believes that its proposal is consistent with the ITU Kyoto Declaration regarding alternative calling mechanism. The ITU Kyoto Declaration directs that a member state should ''take such actions as may be appropriate within the constraints of its national law'' if a carrier subject to its jurisdiction offers call-back in violation of another member state's laws. The Commission emphasizes that it continues to believe that it is in the best interest of U.S. carriers to act in a manner consistent with foreign laws. Therefore, the Commission proposes to continue to maintain a public file to inform call-back providers about the legality of call-back in foreign nations. The NPRM seeks comment on whether, given the 1996 Telecommunications Act's commitment to competition and the Commission's recent policies to promote competitive markets abroad, elimination of the existing policy that allows a foreign government or entity to make use of the enforcement mechanisms of the Commission to prohibit U.S. carriers from offering call-back abroad is an appropriate response within the constrains of U.S. law and therefore is consistence with the ITU declaration.

10. The Commission solicited comments on TRA's request for rulemaking, and it intends to incorporate those comments into this proceeding. (*See* Pleading Cycle Established for Comments on the Telecommunications Resellers Association Petition for Rulemaking Regarding the Commission's International Callback Policy, RM–9249, rel. March 27, 1998.)

11. The Commission believes that call-back service makes international calling more affordable in developing markets, and the NPRM describes the Commission's efforts and participation to reach developing countries. The NPRM seeks comments on what effect changing the Commission's policy would have on the provision of telecom services in developing markets.

12. *Initial Regulatory Flexibility Certification.* As required by the Regulatory Flexibility Act (RFA), 5 U.S.C. 6013612, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, Title II, 110 Stat. 957, requires an initial regulatory flexibility analysis in notice-and-comment proceedings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' The Commission is issuing this NPRM to seek comment on the possible elimination of existing comity-based

prohibitions and removal of the policy that allows a foreign government or entity to use the enforcement mechanisms of the Commission.

The rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' The Commission is issuing this NPRM to seek comment on the possible elimination of existing comity-based prohibitions and removal of the policy that allows a foreign government or entity to use the enforcement mechanisms of the Commission to prohibit U.S. carriers from offering call-back abroad. The proposals do not impose any additional compliance burden on small entities dealing with the Commission. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. Accordingly, we certify, pursuant to section 605(b) of the RFA, that the proposals, if promulgated, would not have a significant economic impact on a substantial number of small business entities, as defined by the RFA. The Commission's Consumer Information Bureau, Reference Information Center, shall send a copy of this Notice, including the Initial Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with section 605(b) of the RFA. This initial certification will also be published in the **Federal Register**.

Ordering Clauses

13. Pursuant to sections 1, 4 (j)(–j), 201(b), 214, 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i)(j), 201(b), 214, 303(r), and 403, this Notice of Proposed Rulemaking *Is hereby adopted.*

14. The Commission's Consumer Information Bureau, Reference Information Center, shall send a copy of this Notice of Proposed Rulemaking, including the regulatory flexibility certification, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 02–5381 Filed 3–7–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[GC Docket No. 02–37; FCC 02–54]

Truthful Statements

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes to amend its regulations relating to the submission of truthful information to the Commission. Under the current rule, Commission regulatees must not, in any written statement submitted to the Commission, make any misrepresentation or willful material omission bearing on any matter within the jurisdiction of the Commission. The item would provide that the rule prohibits incorrect statements or omissions resulting from negligence and not just intentional misrepresentation or lack of candor; make clearer that the rule covers statements made to the Commission in all contexts; include oral statements and not just written statements; and include all persons making statements to the Commission (*e.g.,* including non-regulatees).

DATES: Comments must be filed on or before April 8, 2002; reply comments must be filed on or before April 22, 2002.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW, Room 8–C723, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: David S. Senzel, Office of General Counsel (202) 418–1720.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM), GC Docket No. 2–37, adopted on February 14, 2002, and released February 22, 2002. The full text of the NPRM is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY–A257, Washington, DC 20554. Copies of filings may be purchased from the Commission's copy contractor, Qualex International, Portals II. 445 12th Street, SW, Room CY–B402, Washington, DC 20554, telephone (202) 863–2893, facsimile (202) 863–2898. Filings may also be viewed on the Commission's Internet web site using the Electronic Document Filing System (ECFS) at *http://gullfoss2.fcc.gov/prod/ecfs/comsrch—v2.cgi.*

Summary of Notice of Proposed Rule Making

1. By this notice of proposed rulemaking, we propose to amend § 1.17 of our Rules, 47 CFR 1.17, which relates to the submission of truthful statements to the Commission.

2. In all of our proceedings, the Commission relies heavily on the truthfulness and accuracy of information submitted to us. If information submitted to us is incorrect, we cannot properly carry out our statutory responsibilities. It is our experience that the vast majority of persons dealing with the Commission understand their obligation to take the appropriate steps to ensure that the information they submit is accurate. Nevertheless, we believe that the scope of the current § 1.17 as written may reflect an unduly narrow articulation of the existing obligations of persons dealing with the Commission. It thus may hamper our ability to take enforcement action in those rare cases where persons dealing with the Commission do not exercise the requisite care to ensure that they submit accurate information. Accordingly, we propose to revise § 1.17 as follows: (1) To provide that the rule prohibits incorrect statements or omissions that are the result of an intent to deceive or negligence[1]; (2) to make clearer that the rule covers statements made to the Commission in all contexts; (3) to include oral statements and not just written statements; and (4) to include all persons making statements to the Commission (e.g., including non-regulatees).

3. To implement these changes, we proposed to modify slightly the first sentence of the current rule, which merely codifies existing statutory requirements in §§ 218, 308(b), 403, and other sections of the Act pertaining to the obligation to provide any required information. In addition, we modify the remainder of § 1.17 to set forth the obligation to provide truthful information. By specifying that the rule prohibits both intentional and negligent statements and omissions, the proposed rule better conveys our view that the rule should have a broad scope. Licensees, regulatees, and others are responsible for using their best efforts and exercising care and diligence to ensure that, in all contexts, the information they provide is correct and accurate. Nevertheless, we seek

[1] We have previously held that a violation of the portion of the rule relating to omissions may occur in the absence of an intent to deceive. *See The Curators of the University of Missouri,* 16 FCC Rcd 1174 (2001).

comment on whether certain classes of proceedings (*e.g.,* rulemakings or other non-adjudicatory proceedings not involving specific parties) should be subject to the rule only when deceptive intent is involved and whether persons or entities that are not regulated by the Commission should be subject to the rule only when deceptive intent is involved.

Initial Regulatory Flexibility Certification

4. The Regulatory Flexibility Act of 1980, as amended (see 5 U.S.C. 601 *et seq.*)[2] requires an initial regulatory flexibility analysis in a notice and comment rulemaking proceeding unless we certify that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' 5 U.S.C. 605(b). We believe that the rule we propose today will not have a significant economic impact on a substantial number of small entities.

5. In proposing to expand the scope of 47 CFR 1.17, we are merely requiring persons dealing with the Commission to submit accurate information. The proposed revised rule thus would not impose any significant compliance burden on persons dealing with the Commission, including small entities, or otherwise affect the rights of persons participating in Commission proceedings. The revised rule would simply enable the Commission to impose sanctions more effectively in those instances where people intentionally or negligently submit incorrect information. There is thus no reason to believe that operation of the revised rule would impose significant costs on parties to Commission proceedings.

6. Accordingly, we certify that the rule as proposed will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). The Commission shall send a copy of this Notice of Proposed Rulemaking, including this certification, to the Chief Counsel for Advocacy of the SBA. 5 U.S.C. 605(b). A copy of this certification will also be published in the **Federal Register**. *Id.*

7. This Notice is *Hereby given* of the proposed regulatory changes described above, and that *Comment is Sought* on these proposals.

8. Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested persons *May file* comments on or before April 8, 2002 and reply comments on or before April 22, 2002. Comments may be filed using the Commission's Electronic Comment Filing System or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24,121 (1998). To file by paper, commenters must file an original and four copies of all comments, reply comments, and supporting comments. If commenters want each Commissioner to receive a personal copy of their comments, they must file an original plus nine copies. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. In addition, commenters should file a copy of any such pleadings with the Office of General Counsel, Portals II, 445 12th Street, SW, Room 8–C723, Washington, DC 20554.

9. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY–A257, Washington, DC 20554. Copies of filings may be purchased from the Commission's copy contractor, Qualex International, Portals II. 445 12th Street, SW, Room CY–B402, Washington, DC 20554, telephone (202) 863–2893, facsimile (202) 863–2898. Filings may also be viewed on the Commission's Internet web site using the Electronic Document Filing System (ECFS) at *http://gullfoss2.fcc.gov/prod/ecfs/comsrch—v2.cgi.* Alternative formats (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418–7426 voice, (202) 418–7365 TTY, or *bmillin@fcc.gov.* This NPRM can also be downloaded in Word or ASCII formats at *http://www.fcc.gov/ccb/cpd.*

10. The Commission's Consumer Information Bureau, Reference Information Center, *Shall send* a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure, Radio, Telecommunications, Television.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

For the reasons discussed in the preamble, part 1 of title 47 of the Code of Federal Regulations is proposed to be amended as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. 151, 154(i), 154(j), 155, 225, 303(r), 309, and 325(e).

2. Section 1.17 is revised to read as follows:

§ 1.17 Truthful and accurate statements to the Commission.

(a) The Commission or its representatives may, in writing, require written statements of fact relevant to the determination of any matter within the jurisdiction of the Commission.

(b) No person shall, in any written or oral statement of fact submitted to the Commission, intentionally or negligently provide incorrect material information or intentionally or negligently omit any material information bearing on any matter within the jurisdiction of the Commission.

[FR Doc. 02–5382 Filed 3–7–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 51

[CC Docket No. 98–147; DA 02–506]

Update and Refresh Record on Rules Adopted in 1998 Advanced Services Docket

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document invites comment on the advisability of eliminating, repealing, or amending specific language in the Commission's rules on standards for physical collocation and virtual location. The Commission is taking this action in response to a request by Verizon that the Commission clarify that this rule does not preclude an incumbent LEC from installing a point of termination bay (POT bay) at the point where an incumbent LEC's facilities terminate and a collocator's facilities begin.

[2] See 5 U.S.C. 603. The RFA, see 5 U.S.C. 601 et. seq., has been amended by the Contract With America Advancement Act of 1996, Public Law 104–121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

DATES: Comments are due March 25, 2002 and reply comments are due April 2, 2002.

FOR FURTHER INFORMATION CONTACT: John Adams, Attorney Advisor, Janice Myles, Policy and Program Planning Division, Common Carrier Bureau, (202) 418–1580.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document regarding CC Docket No. 98–147, released on March 4, 2002. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC, and also may be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402 Washington, DC, telephone (202) 863–2893, facsimile (202) 863–2898, or via e-mail *qualex@aolcom.* It is also available on the Commission's website at *http://www.fcc.gov.*

Synopsis

In the *Advanced Services First Report and Order,* the Commission adopted rule 51.323(k)(2), which provides, in pertinent part, that ''[a]n incumbent LEC may not require competitors to use an intermediate interconnection arrangement in lieu of direct connection to the incumbent's network if technically feasible.'' Verizon requests that the Commission clarify that this rule does not preclude an incumbent LEC from installing a POT bay at the point where an incumbent LEC's facilities terminate and a collocator's facilities begin. In order to ensure a complete record regarding this area, the Commission is issuing this Public Notice and inviting comment on whether the Commission should amend or repeal the portion of rule 51.323(k)(2) quoted above. The Commission requests that commenters explain in detail why retention, amendment, or repeal of this rule to allow incumbent LECs to use POT bays when provisioning interconnection would address their concerns.

Federal Communications Commission.

Michelle M. Carey,

Chief, Policy and Program Planning Division, Common Carrier Bureau.

[FR Doc. 02–5663 Filed 3–7–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 76

[MM Docket No. 98–204, DA 02–400]

Revision of Broadcast and Cable EEO Rules and Policies

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment and reply comment period.

SUMMARY: In this document, the Mass Media Bureau (Bureau) partially grants a motion for procedural relief filed by the Minority Media and Telecommunications Council (MMTC) related to proposed rules on new broadcast and cable Equal Employment Opportunity rules and policies. The intended effect is to grant an extension of the comment and reply comments filing deadline and to clarify that the Commission will consider comments previously filed in this docket.

DATES: Comments are due April 15, 2002, and reply comments due May 15, 2002.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Lewis Pulley, EEO Staff, Mass Media Bureau. (202) 418–1450.

SUPPLEMENTARY INFORMATION: 1. This is a synopsis of the Mass Media Bureau's *Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies*, DA 02–400, released February 22, 2002. On December 21, 2001, the Commission released a *Second Notice of Proposed Rule Making*, MM Docket No. 98–204, 67 FR 1704 (January 14, 2002) (*Second NPRM*) requesting comment on various proposals concerning the Commission's broadcast and cable EEO rules and policies. Comment and reply comment deadlines were established for March 15, 2002, and April 15, 2002, respectively.

2. On January 29, 2002, MMTC filed a Motion for Procedural Relief requesting: an extension of time for the filing dates for comments and reply comments; a draft of specified proposed rules; and a clarification that comments filed in the docket prior to the *Second NPRM* will be treated as part of the continuing record in this proceeding.

3. MMTC requests that the Commission extend the comment and reply comment deadlines to April 28, 2002, and May 28, 2002, respectively. Because the Bureau believes that the public interest would be served by an extension of the comment period in this proceeding, we partially grant MMTC's request and extend the date for filing comments to April 15, 2002, and extend the date for filing reply comments to May 15, 2002.

4. The Bureau denies MMTC's request that we issue a draft of specific proposed rules. In releasing the *Second NPRM,* the Commission complied with § 1.413(c) of the Commission's rules, 47 CFR 1.413(c), which indicates that a notice of proposed rule making shall contain ''[e]ither the terms or substance of the proposed rule or a description of the subjects and issues involved.'' Further, MMTC's request conflicts with the Commission's intent to elicit comprehensive comments in this proceeding without limiting the scope of comments to any specified proposal.

5. The Bureau grants MMTC's request that the Commission consider all material placed in the docket at earlier stages of this proceeding as part of the record in the proceedings held pursuant to the *Second NPRM.* We acknowledge MMTC's concern that parties be able to conserve resources by avoiding the need to refile material they previously submitted to the Commission. The Bureau asks that such parties identify the comments, sections and pages upon which they wish to rely, and that they summarize such material in their comments filed in response to the *Second NPRM.*

6. Accordingly, *It is ordered* that the Motion for Procedural Relief filed by MMTC is granted in part and denied in part.

7. *It is therefore ordered* that the date for filing comments and reply comments in this proceeding is extended to April 15, 2002, and May 15, 2002, respectively.

8. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 4(i) and 303(r), and §§ 0.204(b), 0.283 and 1.46 of the Commission's rules, 47 CFR 0.204(b), 0.283 and 1.46.

Federal Communications Commission.

Roy J. Stewart,

Chief, Mass Media Bureau.

[FR Doc. 02–5380 Filed 3–7–02; 8:45 am]

BILLING CODE 6712–01–U

Proposed Rules

Federal Register
Vol. 67, No. 46
Friday, March 8, 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 THE TREASURY

Customs Service

19 CFR Part 10

RIN 1515–AC88

Prototypes Used Solely for Product Development, Testing, Evaluation, or Quality Control Purposes

AGENCY: Customs Service, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations in order to establish rules and procedures under the Product Development and Testing Act of 2000 (PDTA). The purpose of the PDTA is to promote product development and testing in the United States by allowing the duty-free entry of articles, commonly referred to as prototypes, that are to be used exclusively in product development, testing, evaluation or quality control. The proposed regulations set forth the procedures for both the identification of those prototypes properly entitled to duty-free entry, as well as the permissible sale of such prototypes, following use in the United States, as scrap, waste, or for recycling.

DATES: Comments must be received on or before April 8, 2002.

ADDRESSES: Written comments may be addressed to and inspected at the Regulations Branch, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., 3rd Floor, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Patricia Fitzpatrick, Office of Field Operations, (202–927–1106).

SUPPLEMENTARY INFORMATION:

Background

The Product Development and Testing Act of 2000 (''PDTA'') was enacted on November 9, 2000, as part of the Tariff Suspension and Trade Act of 2000 (''Act'') (Pub. L. 106–476). The provisions of the PDTA are found in sections 1431–1435 of the Act.

The purpose of the PDTA, as set forth in section 1432(b) of the Act, is to promote product development and testing in the United States by allowing the importation on a duty-free basis of articles commonly referred to as ''prototypes'' that are to be used exclusively for such product development, testing, evaluation or quality control.

By way of background, Congress has found, as stated in section 1432(a) of the Act, that a substantial amount of product development and testing occurs in the United States incident to the introduction and manufacture of new products both for domestic consumption and for export overseas. Product testing also occurs with respect to products already introduced into commerce in order to ensure that these products continue to meet specifications and perform as designed.

Until the enactment of the PDTA, prototype articles have generally been subject to Customs duty when imported, unless the articles were eligible for duty-free treatment under a special trade program, such as the North American Free Trade Agreement (NAFTA) (19 U.S.C. 3301 *et seq.*), or unless they were entered under a temporary importation bond (TIB) (subheading 9813.00.30, Harmonized Tariff Schedule of the United States (HTSUS)).

Furthermore, the value of these prototypes had to be included in the dutiable value of any imported production merchandise that resulted from the same design and development efforts to which the prototype articles themselves were dedicated. In effect, duty on a prototype good was assessed twice, once when the prototype was imported and a second time as part of the dutiable value of the related imported production merchandise. In this latter respect, the prototype would be considered to be an ''assist'' (see § 152.102(a)(1), Customs Regulations (19 CFR part 152)) and, as such, it would have to be included in the dutiable cost of any associated production merchandise that was later imported.

Congress found that assessing duty twice on prototypes unnecessarily inflates costs for U.S. businesses, thereby reducing their competitiveness and thus discourages development and testing in the United States, and favors its occurrence overseas, given that duty would only be charged once, upon the subsequent importation of the related production merchandise.

Consequently, to provide for the duty-free entry of prototypes, section 1433 of the Act amended the Harmonized Tariff Schedule of the United States (HTSUS) by inserting a new subheading 9817.85.01 in Subchapter XVII of Chapter 98, HTSUS. The free rate of duty, as noted in HTSUS subheading 9817.85.01, only pertains to products from a country that would be entitled to the ''Column 1'' rate of duty; otherwise, the relevant rate would be that applicable in the absence of HTSUS subheading 9817.85.01.)

Additionally, section 1433 of the Act amended the HTSUS by including a new U.S. Note 6 in Subchapter XVII of Chapter 98, HTSUS, that defines the term ''prototypes'' as used in HTSUS subheading 9817.85.01.

As defined in U.S. Note 6(a) to Subchapter XVII, the term ''prototypes'' means originals or models of articles that are either in the preproduction, production or postproduction stage and that are to be used exclusively for product development, testing, evaluation or quality control purposes. However, articles may not be classified as prototypes under HTSUS subheading 9817.85.01 if imported for automobile racing for purse, prize or commercial competition, as this activity is not considered to be product development, testing, evaluation, or quality control. For originals or models of articles that are in the production or postproduction stage to qualify as prototypes, they must be associated with a change in design from current production; this would include any refinement, advancement, improvement, development, or quality control in the product itself or in the means for producing the product.

Pursuant to U.S. Note 6(b) to Subchapter XVII of Chapter 98, HTSUS, prototypes may only be imported in limited noncommercial quantities based on industry practice. Moreover, any articles that are subject to quantitative restrictions, antidumping orders or countervailing duty orders may not be classified as prototypes. However, articles that are subject to licensing requirements, or that must comply with laws, rules or regulations administered by agencies other than Customs before being imported, may be entered as prototypes if they comply with all

applicable provisions of law and otherwise meet the definition of prototypes in U.S. Note 6(a) to Subchapter XVII of Chapter 98, HTSUS.

In addition, except as provided by the Secretary of the Treasury, prototypes or parts of prototypes may not be sold after importation into the United States or be incorporated into other products that are sold.

By this document, Customs proposes to amend the Customs Regulations to add a new § 10.91, pursuant to sections 1433–1435 of the Act, that would: (1) Establish requirements regarding the identification of prototypes at the time of their importation into the United States; and (2) establish requirements regarding the sale of prototypes, following their intended use in product development, testing and evaluation, as scrap, waste, or for recycling, if all applicable duties are tendered for sales of the prototypes, including prototypes and parts of prototypes that are incorporated into other products that are sold as scrap, waste, or recycled materials, at the rate of duty in effect for such scrap, waste, or recycled materials at the time of importation of the prototypes.

Declaration of Intent

Entry or withdrawal from warehouse for consumption of a prototype under HTSUS subheading 9817.85.01 may be accepted by the port director as an effective declaration that the articles will be used solely for the purposes stated in the subheading. If it is believed the circumstances so warrant, the port director may request the submission of proof of actual use, executed and dated by the importer. While there is no particular form proposed for this declaration, it may either be submitted in writing, or electronically as authorized by Customs, and must include a description of the use made of the articles set forth in sufficient detail so as to enable the port director to determine whether the articles have been entitled to entry as claimed.

Sale

The prototype or any part(s) of the prototype, after having been used for the purposes for which it was entered or withdrawn under HTSUS subheading 9817.85.01, may only be sold as scrap, waste, or for recycling. This includes a prototype or any part that is incorporated into another product, as scrap, waste, or recycled material. The importer must provide notice of such sale to the port director where the entry or withdrawal of the prototype was made. The notice of sale must be filed with a tender of appropriate duties within 10 business days of the sale.

While no particular form is required for the notice of sale, a consumption entry (Customs Form 7501), appropriately modified, or an electronic equivalent as authorized by Customs, may be used for this purpose. If the article sold is dutiable, the notice must also be accompanied by the payment of any duty due. In any case, a notice must be submitted in connection with the sale, whether or not duty is payable. If the notice is filed electronically, payment of any duty owed will be handled through the Automated Clearinghouse (see § 24.25, Customs Regulations (19 CFR 24.25)).

Such notice of sale must be executed by the importer, or other person having knowledge of the facts surrounding the sale, and it must include the following: the identity of the prototype, the consumption entry number under which it was imported, a copy of the declaration of actual use, and a description of the condition of the prototype following use for the intended permissible purposes, including any damage, degradation or deterioration to the article resulting from such use; the name and address of the party to whom the article was sold, and (if known) the use to which the party intends to put the article; the HTSUS subheading number for scrap, waste, or recycled material, as applicable, claimed in connection with the sale of the prototype, together with the corresponding rate of duty in effect at the time the prototype was originally imported for consumption; the value of the prototype article (if dutiable and the duty owed is based upon value); and the title of the party executing the declaration along with the date of execution.

For purposes of proposed § 10.91, with respect to any duty owed on prototypes or parts that are sold as scrap, or waste, or for recycling, where the duty owed is based upon value, the relevant value is the market value of the prototypes or parts, based upon their character and condition following use for the purposes prescribed in HTSUS subheading 9817.85.01. In this regard, the market value will generally be measured by the selling price. If a prototype or part of a prototype becomes a component of another product that is sold as scrap, waste, or recycled material, the relevant market value would be that portion of the selling price attributable to the component (that is, the prototype or part of prototype).

Required Recordkeeping

The importer must be prepared to submit to the Customs officer, if requested, such information, including any supporting documents, reports and records, as was necessary for the preparation of the declaration of use and, if applicable, the notice of sale. As previously noted, the submission of the notice of sale, if a sale occurs, is mandatory. The supporting documentary evidence for the notice of sale must be retained for a period of 5 years, as provided in § 163.4(a), Customs Regulations (19 CFR 163.4(a)), from the date of its filing in complete and proper form. Supporting records must be made available to the Customs officer upon request in accordance with § 163.6(a), Customs Regulations (19 CFR 163.6(a)). The notice, together with any related supporting evidence, may be subject to any verification that the port director reasonably deems necessary.

Effective Date

As noted in section 1435(1) and (2) of the Act, duty-free treatment under the PDTA applies to an entry of a prototype under HTSUS subheading 9817.85.01 made on or after the date of enactment of the Act (November 9, 2000) as well as to an entry of a prototype (as defined in U.S. Note 6(a) to Subchapter XVII of Chapter 98, HTSUS) made under subheading 9813.00.30, for which liquidation has not become final as of November 9, 2000.

In this latter regard, an entry under HTSUS subheading 9813.00.30 is made under a temporary importation bond (TIB), and an entry made under a TIB does not liquidate, given that a TIB entry does not involve liquidated duties (see § 10.31(h), Customs Regulations (19 CFR 10.31(h)). Rather, upon satisfaction of the terms and conditions of the TIB, charges under the bond are cancelled (see § 10.39, Customs Regulations (19 CFR 10.39)), and the related entry is ''closed'' (and not liquidated). Customs proposes in § 10.91 to give effect to the intent of Congress underlying section 1435(2) that certain prototypes already entered under a TIB as of November 9, 2000, be allowed to take advantage of duty-free entry under the PDTA.

To accomplish this, the importer must submit a written request, or an electronic equivalent as authorized by Customs, that a TIB entry under HTSUS subheading 9813.00.30, which had not been closed and for which the TIB period had not expired as of November 9, 2000, be converted instead into a duty-free consumption entry under HTSUS subheading 9817.85.01. Customs will so convert the TIB entry,

provided that the port director is satisfied that the entry is for articles that are ''prototypes'' as defined in U.S. Note 6(a) to Subchapter XVII of Chapter 98, HTSUS, and provided further that the entry was in effect and had not been closed (as opposed to having been finally liquidated), and the TIB period for the entry had not expired, as of November 9, 2000. When the TIB entry is so converted, the bond will be cancelled and the entry closed. The port director will provide a courtesy acknowledgment to the importer in writing or electronically once the conversion is complete.

Comments

Before adopting this proposal, consideration will be given to any written comments that are timely submitted to Customs. Customs specifically requests comments on the clarity of this proposed rule and how it may be made easier to understand. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4 of the Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Branch, U.S. Customs Service, 1300 Pennsylvania Avenue, NW. 3rd Floor, Washington, D.C.

Regulatory Flexibility Act and Executive Order 12866

The proposed regulations implement the terms and requirements of the PDTA which went into effect on November 9, 2000. The proposed amendments benefit the public by allowing the duty-free importation of prototypes that are to be used exclusively for product development and testing, thereby promoting such product development and innovation in the United States, as opposed to overseas. Accordingly, pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that, if adopted, the proposed amendments will not have a significant economic impact on a substantial number of small entities. Nor do the proposed amendments meet the criteria for a ''significant regulatory action'' as specified in E.O. 12866.

Paperwork Reduction Act

The collections of information encompassed within this proposed rule have previously been reviewed and approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) and assigned OMB Control Numbers 1515–0091 (Requirement of importer to maintain accurate, detailed records on use or other disposition of imported merchandise for ''actual use'' duty assessment requirements); and 1515–0109 (Certificate of importer to verify actual use of articles imported duty-free or at a reduced rate of duty under actual use provisions). These collections encompass a claim for duty-free entry for prototype articles imported for use exclusively for development, testing, product evaluation or quality control purposes. This proposed rule does not present any material change to the existing approved information collections.

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 control number assigned by OMB.

Upon adoption of the proposed amendments as a final rule, part 178, Customs Regulations (19 CFR part 178), containing the list of approved information collections, will be revised to make reference to new § 10.91.

Drafting Information

The principal author of this document was Janet L. Johnson, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 10

Customs duties and inspection, Imports, Preference programs, Reporting and recordkeeping requirements, Shipments.

Proposed Amendments to the Regulations

It is proposed to amend part 10, Customs Regulations (19 CFR part 10), as set forth below.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

1. The general authority citation for part 10 would continue to read as follows, and specific sectional authority for § 10.91 would be added in appropriate numerical order to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 22, Harmonized Tariff Schedule of the United States (HTSUS)), 1321, 1481, 1484, 1498, 1508, 1623, 1624, 3314.

* * * * *

§ 10.91 also issued under Pub. L. 106–476 (114 Stat. 2101), sections 1434, 1435;

* * * * *

2. It is proposed to amend part 10 by adding after § 10.90 a new center heading entitled ''Prototypes'' followed by a new § 10.91 to read as follows:

Prototypes

§ 10.91 Prototypes used exclusively for product development and testing.

(a) *Duty-free entry; declaration of intent; suspension of liquidation.*

(1) *Entry or withdrawal for consumption.* Articles defined as ''prototypes'' and meeting the other requirements prescribed in paragraph (b) of this section may be entered or withdrawn from warehouse for consumption, duty-free, under subheading 9817.85.01, Harmonized Tariff Schedule of the United States (HTSUS), on Customs Form 7501 or an electronic equivalent. A separate entry or withdrawal must be made for a qualifying prototype article each time the article is imported/reimported to the United States.

(2) *Importer declaration.*—(i) *Entry accepted as declaration.* Entry or withdrawal from warehouse for consumption under HTSUS subheading 9817.85.01 may be accepted by the port director as an effective declaration that the articles will be used solely for the purposes stated in the subheading.

(ii) *Proof of Actual Use.* If it is believed the circumstances so warrant, the port director may request the submission of proof of actual use, executed and dated by the importer. While there is no particular form for this declaration, it may either be submitted in writing, or electronically as authorized by Customs, and must include the following:

(A) A description of the use to be made of the articles set forth in sufficient detail so as to enable the port director to determine whether the articles have been entitled to entry as claimed;

(B) A statement that the articles are not to be put to any other use; and

(C) A statement that neither the articles nor any parts of the articles will be sold, or be incorporated into other products that are sold, after the articles have been entered or withdrawn from warehouse for consumption and prior to the completion of their use as provided in HTSUS subheading 9817.85.01 (see paragraph (b)(2)(ii) of this section).

(b) *Articles classifiable as prototypes.*—(1) *Prototypes defined.* In accordance with U.S. Note 6(a) to Subchapter XVII of Chapter 98, HTSUS, the term ''prototypes'' means originals or models of articles that:

(i) Are either in the preproduction, production or postproduction stage and

are to be used exclusively for development, testing, product evaluation, or quality control purposes (not including automobile racing for purse, prize or commercial competition); and

(ii) In the case of originals or models of articles that are either in the production or postproduction stage, are associated with a design change from current production (including a refinement, advancement, improvement, development or quality control in either the product itself or the means of producing the product).

(2) *Additional requirements.* In accordance with U.S. Note 6(b) to Subchapter XVII of Chapter 98, HTSUS, the following additional restrictions apply to articles that may be classified as prototypes:

(i) *Importations limited.* Prototypes may be imported pursuant to this section only in limited noncommercial quantities in accordance with industry practice.

(ii) *Sale prohibited after entry and prior to use.* Prototypes or parts of prototypes may not be sold, or be incorporated into other products that are sold, after the prototypes have been entered or withdrawn from warehouse for consumption under HTSUS subheading 9817.85.01, unless, after having been used for the purposes for which they were entered or withdrawn from warehouse under HTSUS subheading 9817.85.01, such prototypes or any part(s) of the prototypes may be sold as scrap, waste, or for recycling, as prescribed in paragraph (d) of this section.

(iii) *Articles subject to laws of another agency.* Articles that are subject to licensing requirements, or that must comply with laws, rules or regulations administered by an agency other than Customs before being imported, may be entered as prototypes pursuant to this section if they meet all applicable provisions of law and otherwise meet the definition of prototypes in paragraph (b)(1) of this section.

(iii) *Articles excluded from being prototypes.* Articles subject to quantitative restrictions, antidumping orders or countervailing duty orders are excluded from being classified as prototypes under this section.

(c) *Sale of prototype following use.*—(1) *Sale.* Prototypes or any part(s) of prototypes, after having been used for the purposes for which they were entered or withdrawn under HTSUS subheading 9817.85.01, may only be sold as scrap, waste, or for recycling. This includes a prototype or any part thereof that is incorporated into another product, as scrap, waste, or recycled material. In addition, prototypes or their parts may only be sold as scrap, waste, or for recycling, upon payment of applicable duty on the prototypes or parts, at the rate of duty in effect for such scrap, waste, or recycled materials at the time the prototypes were entered or withdrawn for consumption.

(2) *Notice of sale required.* If, after a prototype has been used for the purposes contemplated in HTSUS subheading 9817.85.01, the prototype or any part(s) of the prototype (including a prototype or any part that is incorporated into another product) is sold as scrap, waste, or for recycling, the importer must provide notice of such sale to the port director where the entry or withdrawal of the prototype was made. A notice must be submitted in connection with the sale, whether or not duty is payable. The notice, if applicable, should not be submitted prior to the submission of the declaration of actual use (see paragraph (c)(1) of this section).

(3) *Form and content of notice; tender of duty.* While no particular form is required for the notice of sale, a consumption entry (Customs Form 7501), appropriately modified, or an electronic equivalent as authorized by Customs, may be used for this purpose. The notice must be filed within 10 business days of the sale. If the article sold is dutiable, the payment of any duty due must be forwarded together with the notice (see paragraph (d)(1) of this section). If the notice is filed electronically, payment of any duty owed will be handled through the Automated Clearinghouse (see § 24.25 of this chapter). In addition, the notice of sale must be executed by the importer, or other person having knowledge of the facts surrounding the sale, and must include the following:

(i) The identity of the prototype, the consumption entry number under which it was imported, a copy of the declaration of actual use, along with a description of the condition of the prototype following use for the intended permissible purposes, including any damage, degradation or deterioration to the article resulting from such use;

(ii) The name and address of the party to whom the article was sold, and (if known) the use to which the party intends to put the article;

(iii) The HTSUS subheading number for scrap, waste, or recycled material, as applicable, claimed in connection with the sale of the prototype, together with the corresponding rate of duty in effect at the time the prototype was originally imported for consumption;

(iv) The value of the prototype article (if dutiable and the duty owed is based upon value) (see paragraph (e)(2) of this section); and

(v) The title of the party executing the declaration and the date of execution.

(4) *Failure to file timely notice.* Failure to file timely the notice of sale or to deposit the appropriate duty shall be a breach of the importer's bond and result in the assessment of liquidated damages.

(e) *Recordkeeping; retention and production.*—(1) *Recordkeeping.* The importer must be prepared to submit to the Customs officer, if requested, such information, including any supporting documents, reports and records, as was necessary for the preparation of the declaration of use in paragraph (a)(2)(ii) of this section, and the notice of sale in paragraph (c)(3) of this section. The submission of the notice of sale is mandatory if a sale occurs after importation. The notice, together with any related supporting evidence, may be subject to such verification as the port director reasonably deems necessary. Such documentary evidence must be made available to the Customs officer, upon request, for a period of five years from the date of filing in complete and proper form, the declaration of use, if requested, and, if applicable, the notice of sale, as provided in § 163.4 of this chapter. The supporting records must be made available to the Customs officer upon request in accordance with § 163.6 of this chapter. The specific documentary evidence necessary to support notice of sale, if applicable, consists of:

(i) The identity of the prototype, including the identity of the consumption entry under which it was imported, and a description of the condition of the prototype following use for the intended permissible purposes, including any damage, degradation or deterioration to the article resulting from such use;

(ii) The name and address of the party to whom the article was sold, and (if known) the use to which the party intends to put the article;

(iii) The HTSUS subheading number for scrap, waste, or recycled material, as applicable, claimed in connection with the sale of the prototype, together with the corresponding rate of duty in effect at the time the prototype was originally imported for consumption;

(iv) The value of the prototype article (if dutiable and the duty owed is based upon value) (see paragraph (e)(2) of this section); and

(v) The title of the party executing the declaration and the date of execution.

(2) *Relevant value for used prototype or parts sold.* For purposes of this section, with respect to any duty owed

on prototypes or parts of prototypes that are sold as scrap, or waste, or for recycling, where the duty owed is based upon value, the relevant value is the market value of the prototypes or parts, based upon their character and condition following use for the purposes prescribed in HTSUS subheading 9817.85.01. The market value will generally be measured by the selling price. Should a prototype or part of a prototype become a component of another product that is sold as scrap, waste, or recycled material, the relevant market value would be that portion of the selling price attributable to the component (prototype or part) as provided in this paragraph.

(f) *Articles admitted under TIB.*—(1) *Duty-free entry available.* Under the procedure presented in paragraph (f)(2) of this section, an entry of an article made under a temporary importation bond (TIB) solely for testing, experimental or review purposes under HTSUS subheading 9813.00.30 may be converted into a duty-free entry under HTSUS subheading 9817.85.01, if the following conditions exist:

(i) The article meets the definition for ''prototypes'' in paragraph (b) of this section (U.S. Note 6(a) to Subchapter XVII, Chapter 98, HTSUS); and

(ii) The TIB entry for the article was in effect and had not been closed, and the TIB period for the article had not expired, as of November 9, 2000.

(2) *Procedure for converting TIB entry to duty-free entry.*—(i) *Importer request.* The importer must submit a written request, or an electronic equivalent as authorized by Customs, that a TIB entry made under HTSUS subheading 9813.00.30, which was in effect and had not been closed, and for which the TIB period had not expired, as of November 9, 2000, be converted instead into a duty-free consumption entry under HTSUS subheading 9817.85.01.

(ii) *Action by Customs.* Customs will convert the TIB entry under HTSUS subheading 9813.00.30 to a duty-free entry under HTSUS subheading 9817.85.01, provided that the port director is satisfied that the conditions set forth in paragraphs (f)(1)(i) and (f)(1)(ii) of this section have been met. When the TIB entry is converted, the bond will be cancelled and the entry closed. Once the conversion is complete, the port director will provide a courtesy acknowledgment to this effect to the importer in writing or electronically.

Robert C. Bonner,

Acting Commissioner of Customs.

Approved: March 5, 2002.

Timothy E. Skud,

Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 02–5557 Filed 3–7–02; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–118861–00]

RIN 1545–AY49

Application of Section 338 to Insurance Companies

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed regulations that apply to a deemed sale or acquisition of an insurance company's assets pursuant to an election under section 338 of the Internal Revenue Code, to a sale or acquisition of an insurance trade or business subject to section 1060, and to the acquisition of insurance contracts through assumption reinsurance. It also contains proposed regulations under section 381 concerning the effect of certain corporate liquidations and reorganizations on certain tax attributes of insurance companies. The proposed regulations apply to insurance companies and to corporations selling and purchasing stock of insurance companies. This document also provides a notice of public hearing on the proposed regulations.

DATES: Written or electronic comments and requests to speak (with outlines of oral comments to be discussed) at the public hearing scheduled for September 18, 2002, must be received by August 28, 2002.

ADDRESSES: Send submissions to: CC:ITA:RU (REG–118861–00), 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–118861–00), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20044. Alternatively, taxpayers may submit comments electronically directly to the IRS Internet site at www.irs.gov/regs. The public hearing will be held in the auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Gary Geisler, (202) 622–3970, or Mark Weiss, (202) 622–7790, concerning submissions of comments, the hearing, and/or to be placed on the building access list to attend the hearing, Guy Traynor, (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

Overview of the Proposed Regulations

These proposed regulations apply to taxable asset acquisitions and dispositions of insurance businesses and companies, many of which occur by virtue of elections under section 338 of the Internal Revenue Code (Code). A number of questions have arisen concerning the tax consequences of such transactions, and numerous requests for clarification were received in response to the proposal of regulations under sections 338 and 1060 (REG–107069–97, 1999–2 C.B. 346, 64 FR 43462) in 1999. The Treasury decision finalizing those regulations in February, 2001, announced the intention of the IRS and Treasury to provide guidance regarding the treatment of a deemed asset sale by an insurance company in a separate project (TD 8940, 2001–15 I.R.B. 1016, 1017, 66 FR 9925). That additional guidance is proposed in this document.

In taxable asset acquisitions governed by section 338 or 1060 generally, the total cost of the acquisition is apportioned among specific assets under a residual method that extrapolates the price of each asset from the overall price of the transaction (including assumed liabilities), ranking the assets in classes for priority of allocation, with goodwill and going concern value (Class VII assets) ranked last and section 197 intangibles (Class VI assets) ranked next to last. *See* §§ 1.338–6(b)(2) and 1.1060–1(a)(1). Rights under an insurance company's outstanding insurance contracts (commonly known as insurance in force) that are acquired through assumption reinsurance as part of a taxable asset acquisition generally are intangible assets that constitute section 197 intangibles within the meaning of section 197(d) and, hence, are classified as Class VI assets under § 1.338–6(b)(2)(vi).

The term *assumption reinsurance* refers to an arrangement whereby the reinsurer, or buyer, becomes solely liable to the policyholders on contracts transferred by the ceding company, or seller, who ceases to have any liability under the transferred contracts. *See* § 1.809–5(a)(7)(ii); see also *Colonial American Life Ins. Co.* v. *Commissioner*, 491 U.S. 244, 247 (1989); *Beneficial Life Ins. Co.* v. *Commissioner*, 79 T.C. 627, 636 (1982). It has historically been the IRS's position that, where insurance contracts are acquired from an insurance company as part of a taxable asset acquisition, the transfer of contract rights and assumption of related liabilities is treated as an assumption reinsurance transaction if the ceding company ceases to be liable to the policyholders. *See Southwestern Life Ins. Co.* v. *Commissioner*, 560 F.2d 627 (5th Cir. 1977), *cert. denied,* 435 U.S. 995 (1978); *see also* H.R. Rep. No. 103–213, 103d Cong., 1st Sess. 687 n.25 (1993); § 1.338–1(a)(2).

Section 1.817–4(d) prescribes rules for the income tax treatment of assumption reinsurance transactions entered into by life insurance companies in the ordinary course of business. Under § 1.817–4(d)(2)(ii) and (iii), the reinsurer is treated as receiving premium income from the reinsured in an amount equal to at least the increase in the reinsurer's reserves resulting from the transaction, and the reinsurer is entitled to deduct the increase in its reserves that is attributable to the acquisition of the insurance contracts. If the reinsurer receives an amount less than the amount of such reserves, the difference is treated as the amount paid by the reinsurer for the purchase of the reinsured contracts (*i.e.*, the ceding commission). The reinsurer must capitalize the ceding commission as an item of deferred expense. Thus, the reinsurer's deduction for its increase in reserves resulting from the assumption reinsurance transaction offsets premium income, and the reinsurer is treated as purchasing intangible assets (i.e., insurance contracts) to the extent that the net consideration received by the reinsurer is less than its increase in reserves. If the actual amount received by the reinsurer exceeds the increase in the reinsurer's reserves resulting from the transaction, the entire amount received by the reinsured is treated as premium income, and the reinsurer is not treated as having paid any amount for the purchase of the reinsured contracts (*i.e.*, the economics of the transaction indicate that the insurance contracts have no positive value).

Under § 1.817–4(d), the ceding company treats the gross amount paid to the reinsurer, reduced by any payment received from the reinsurer, as an item of deduction for consideration paid for reinsurance. *See* § 1.817–4(d)(2)(i). This deduction fully or partially offsets the amount included in the gross income of the ceding company that is attributable to the decrease in the ceding company's reserves as a result of the reinsurance transaction. Because the amount of the deduction is reduced by the amount that the reinsurer actually or implicitly pays to purchase the contracts, the net effect is to treat any amount received by the ceding company for the sale of the reinsured contracts as ordinary income.

Although § 1.817–4(d) applies only to assumption reinsurance transactions involving life insurance companies, the general structure of the regulations is not based on any statutory provisions unique to life insurance companies. Moreover, because these rules are an application of general principles of insurance taxation, many should apply not only to assumption reinsurance transactions, but also to indemnity reinsurance transactions, where the ceding company is not fully relieved of the policy risks.

The proposed regulations generally treat the transfer of an insurance or annuity contract or group of such contracts (hereinafter insurance contracts) and the assumption of related reserve liabilities that are deemed to occur by reason of an election under section 338 in a manner consistent with the treatment of ordinary assumption reinsurance transactions under § 1.817–4(d) and other provisions of subchapter L of chapter 1, subtitle A of the Code and the regulations promulgated thereunder. The proposed regulations provide similar rules for acquisitions of insurance businesses governed by section 1060, whether effected through assumption or indemnity reinsurance. Thus, in the case of both a deemed and an actual transfer of an insurance business, the reinsurer (in the case of a section 338 election, new target) is treated as receiving premium income for its assumption of reserve liabilities and having an offsetting deduction for its increase in reserves, and the ceding company (in the case of a section 338 election, old target) is treated as having income in the amount of the reduction in its reserves and having a deduction for the premium it pays for the reinsurer's assumption of those liabilities. Moreover, consistent with § 1.817–4(d), the consideration allocated to the value of the insurance contracts acquired in the assumption reinsurance transaction is treated as an amount paid by the reinsurer to purchase intangible assets and as ordinary income to the ceding company.

However, section 1.817–4(d) does not fully describe the income tax treatment of insurance contracts that are transferred and the related reserve liabilities that are assumed as part of the acquisition of an entire company or trade or business. In particular, § 1.817–4(d) addresses transactions in which the consideration paid for the transfer of insurance contracts and assumption of related liabilities is known and not part of a larger acquisitive transaction. Therefore, in order to give effect to the principles and rules governing taxable asset acquisitions for all trades or businesses generally, these proposed regulations depart in certain respects from the rules governing assumption reinsurance transactions effected in the ordinary course of business. The key elements of the proposed regulations are as follows:

1. In general, the seller's tax reserves are treated in the same manner as fixed liabilities that have been taken into account for Federal income tax purposes and, thus, the seller's closing tax reserves are treated as a liability in the computation of the seller's aggregate deemed sales price (ADSP) and the buyer's adjusted grossed-up basis (AGUB).

2. The residual method that otherwise applies to transactions governed by sections 338 and 1060 applies to allocate the ADSP and AGUB among classes of transferred assets, including insurance contracts, which constitute Class VI assets (regardless of whether they are section 197 intangibles). Thus, the amount of consideration allocated to insurance contracts under the residual method is treated as the amount paid by the buyer for the purchase of insurance contracts in the assumption reinsurance transaction (i.e., as a ceding commission to the seller).

3. The gross amount of the reinsurance premium paid by the seller to the buyer is deemed to equal the seller's closing tax reserves in all cases, thereby eliminating the possibility of immediate net taxable income to the buyer.

Computation and Allocation of AGUB and ADSP

In accordance with the principles set forth above, these proposed regulations provide rules regarding the computation and allocation of AGUB and ADSP where the target is an insurance company. *See* proposed § 1.338–11(a) through (c). A special rule provides that, for purposes of allocating AGUB and ADSP under the residual method, the fair market value of insurance contracts

is the amount a willing reinsurer would pay a willing ceding company in an arm's length transaction as a ceding commission for the reinsurance of the specific insurance contracts if the gross reinsurance premium for the insurance contracts were equal to old target's tax reserves for the insurance contracts. *See* proposed § 1.338–11(b)(2).

Rules comparable to the proposed rules governing the computation and allocation of AGUB and ADSP are proposed to apply to applicable asset acquisitions under section 1060. See proposed § 1.1060–1(c)(5). To insure that these rules apply only to acquisitions of insurance businesses and not to ordinary reinsurance transactions, the proposed regulations describe when an acquisition of insurance contracts will be treated as an applicable asset acquisition. The proposed regulations provide that the mere reinsurance of insurance contracts by an insurance company is not an applicable asset acquisition, even if it enables the reinsurer to establish a customer relationship with the owners of the reinsured contracts. However, the transfer of an insurance business is an applicable asset acquisition if the purchaser acquires significant business assets, in addition to insurance contracts, to which goodwill and going concern value could attach. See proposed § 1.1060–1(b)(9).

Treatment of Liabilities

For purposes of computing ADSP and AGUB, the proposed regulations treat old target's closing tax reserves (before giving effect to the deemed sale and assumption reinsurance transaction) as a liability. See proposed § 1.338–11(b)(1). The IRS and Treasury recognize that in the context of acquisitions of businesses other than insurance businesses, courts have held that when contingent liabilities assumed in connection with an asset acquisition mature, such liabilities, like fixed liabilities, must be capitalized as a cost of the acquired assets, even if those matured liabilities would have been currently deductible had they been incurred in the acquirer's own historic business. *See Pacific Transport Co.* v. *Commissioner*, 483 F.2d 209, 214 (9th Cir. 1973), *cert. denied,* 415 U.S. 948 (1974); *Illinois Tool Works Inc.* v. *Commissioner*, 117 T.C. No. 4 (July 31, 2001). As a theoretical matter, in the context of acquisitions of insurance businesses, capitalization could be required, and deductions could be disallowed, for all post-acquisition increases in reserves that are attributable to liabilities under acquired insurance contracts that were contingent at the time of the acquisition.

For a number of reasons, however, the IRS and Treasury believe that it would be inappropriate to require capitalization of all such post-acquisition increases in an insurance company's assumed reserve liabilities. First, to the extent that reserves are discounted and post-acquisition increases are attributable to increases in the present value of assumed liabilities reflected in the acquisition date reserves, such increases are more properly treated as a currently deductible business expense of the reinsurer, analogous to interest on a fixed liability, rather than as a capital cost of the acquired assets. Second, to the extent that insurance reserves represent estimates of contingent liabilities under insurance contracts, the IRS and Treasury recognize that adjustments to these estimates are customary and that, unlike adjustments in other businesses, such adjustments may either increase or decrease an insurance company's taxable income. Thus, it would be impractical and inappropriate to treat all such adjustments as adjustments to the cost of acquired assets. No inference, however, is intended regarding the tax treatment of contingent liabilities in situations not covered by these proposed regulations.

Although the IRS and Treasury believe that certain increases in reserves that are attributable to acquired insurance contracts should be currently deductible, the IRS and Treasury believe that post-acquisition reserve increases should be capitalized in certain situations where it becomes clear that the ceding company's tax reserves as of the acquisition date were understated. In such cases, increasing the tax reserves attributable to the acquired insurance contracts after the acquisition should not produce a more favorable result for the reinsurer than had the ceding company increased such reserves before the acquisition. Accordingly, proposed § 1.338–11(d) provides for the capitalization by the reinsurer of certain reserve increases in the four taxable years after the acquisition date.

Tax reserve increases from three sources with respect to acquired contracts could potentially be subject to capitalization under these proposed regulations: increases of unpaid loss reserves attributable to changes in loss estimates, increases of other reserves through changes in methodology or assumptions, and increases of unpaid loss reserves as a result of reinsuring acquired contracts at a loss. See proposed § 1.338–11(d)(3) and (d)(4). In particular, the proposed regulations require capitalization of unpaid loss reserve increases in excess of cumulative annual increases of two percent from the acquisition date reserves for unpaid losses attributable to acquired insurance contracts and for acquired contracts transferred through reinsurance transactions. Capitalization is not required, however, to the extent increases to reserves for unpaid losses attributable to acquired insurance contracts reflect the time value of money. In addition, the reinsurer is not required to capitalize any post-acquisition reserve increases to the extent such increases occur while it is under state receivership or to the extent the deduction for the reserve increase is spread over the 10 succeeding taxable years pursuant to section 807(f). *See* proposed § 1.338–11(d)(2).

To the extent a reinsurer is required to capitalize reserve increases, the reinsurer must include such amount in gross income in the year of the increase to offset the deduction taken under section 832(b)(5) for the reserve increases. The reinsurer must include the amount to be capitalized in AGUB and treat such amount as additional premium received in the deemed asset sale as of the year of the adjustment. *See* proposed § 1.338–11(d)(1). The ceding company does not make any adjustments under this provision. *See* proposed § 1.338–11(d)(1).

Other Issues

In addition to providing guidance regarding the treatment of the deemed asset sale under section 338 and the assumption reinsurance transaction that is deemed to occur in connection therewith, the proposed regulations provide guidance on several other issues that arise in the context of these transactions. In general, these other rules also apply to insurance companies that sell an insurance business in a transaction governed by section 1060 if the sale occurs in connection with the complete liquidation of the ceding company. *See* proposed § 1.1060–1(c)(5). The rules in the proposed regulations under section 197 also apply to reinsurers of insurance businesses in transactions governed by section 1060 if effected through assumption reinsurance.

Amortization Under Section 197

These regulations propose amendments to the regulations under section 197 to provide guidance concerning the treatment under section 197 of insurance contracts acquired through assumption reinsurance transactions. For purposes of this

section, the term *insurance contracts* includes an annuity contract or group of annuity contracts. *See* proposed § 1.197–2(g)(5).

Section 197(f)(5) provides that, in the case of any amortizable section 197 intangible resulting from an assumption reinsurance transaction, the amount taken into account as the adjusted basis of such intangible under section 197 is the excess of (A) the amount paid or incurred by the acquirer in the assumption reinsurance transaction, over (B) the amount required to be capitalized under section 848 in connection with the transaction. For policy related intangibles acquired in an assumption reinsurance transaction, section 197(f)(5) determines the amount that must be capitalized and amortized under section 197 and the portion that may be expensed because it is reflected in the reinsurer's capitalization of specified policy acquisition expenses under section 848.

The current regulations under section 197 reserve the interpretation of section 197(f)(5) in the context of stock acquisitions with respect to which an election under section 338 is made. *See* § 1.197–2(g)(5)(ii)(C). For other assumption reinsurance transactions, § 1.197–2(g)(5)(ii)(A) interprets the amount paid or incurred as the amount determined under § 1.817–4(d)(2) and the amount required to be capitalized under section 848 as the amount of the specified policy acquisition expenses that are attributable to the reinsurer's net positive consideration for the reinsurance agreement (as determined under § 1.848–2(f)(3)).

The proposed regulations clarify that section 197(f)(5) determines the basis of an amortizable section 197 intangible asset with respect to insurance contracts acquired in an assumption reinsurance transaction. *See* proposed § 1.197–2(g)(5)(i)(A). Under these proposed regulations, the amount paid or incurred to acquire the relevant insurance contracts is, in a transaction governed by section 338 or 1060, the amount of the AGUB or consideration allocable to the insurance contracts under the residual method. For this purpose, the insurance contracts are valued by assuming a gross premium equal to the tax reserves. For transactions not governed by section 338 or 1060, the amount paid or incurred for insurance contracts is the excess of the increase in the reinsurer's tax reserves resulting from the transaction (computed in accordance with sections 807, 832(b)(4)(B), and 846) over the value of the net assets received from the ceding company in the transaction. *See* proposed § 1.197–2(g)(5)(i)(C).

Proposed § 1.197–2(g)(5)(i)(D) provides guidance concerning the amount required to be capitalized under section 848 in connection with an assumption reinsurance transaction. Section 848 requires an insurance company to capitalize annually an amount of its ''general deductions'' as ''specified policy acquisition expenses'' (DAC). Each year, an insurance company capitalizes its general deductions (amounts otherwise deductible under sections 161 *et seq.* and 401 *et seq.*) up to the percentage set forth in section 848(c) of the amount by which premiums received on specified insurance contracts in the taxable year exceeds return premiums and premiums paid for reinsurance (net premiums). The assumption reinsurance transaction itself typically generates no general deductions for the reinsurer. Accordingly, the amount to be capitalized must be determined by reference to the reinsurer's other general expenses and the effect of the transaction on the reinsurer's net premiums. The IRS and Treasury believe that, for purposes of section 197(f)(5)(B), the amount required to be capitalized under section 848 in connection with the transaction should take into account the ceding company's actual DAC capitalization amount, based on its general deductions for the year and its net premiums for the year, including premiums received in the assumption reinsurance transaction.

Under the proposed regulations, the computation of the amount described in section 197(f)(5)(B) is based on the actual capitalization amount and is determined at the end of the year by multiplying the DAC for the taxable year by a fraction, the numerator of which is the tentative positive capitalization amount for the relevant group of acquired insurance contracts and the denominator of which is the total tentative positive capitalization amount for the taxable year with regard to all specified insurance contracts. The tentative positive capitalization amount for the acquired insurance contracts is the net positive consideration received for the insurance contracts in the assumption reinsurance transaction multiplied by the percentage factor applicable to the insurance contracts under section 848(c). The total tentative positive capitalization amount for the taxable year is the sum of each year's net premiums (in each category) multiplied by its applicable percentage factor. The total amount required to be capitalized under section 197(f)(5)(B) cannot be less than zero or greater than the amount of the DAC for the year.

The amortization of intangibles under section 197 is a general deduction relevant in computing DAC. The amount of amortization, however, cannot be calculated until section 197(f)(5) is applied to compute the year's DAC. To avoid complex calculations, the proposed regulations assume that, for purposes of calculating the basis for amortization, one-half of the consideration allocated to the insurance contracts is amortizable under section 197. Comments are requested regarding alternative approaches to calculating the basis for DAC and section 197 amortization.

Losses on Dispositions of Acquired Insurance Contracts

In general, gain or loss is recognized on a disposition, including a retirement, of an asset. Section 197(f)(1)(A), however, overrides this general rule and bars the recognition of any loss on the disposition of an amortizable section 197 intangible acquired in a transaction if the taxpayer retains one or more other amortizable section 197 intangibles acquired in the same transaction. Where such a loss is denied, the adjusted bases of the retained intangibles are increased to account for the amount of the unrecognized loss. Section 1.197–2(g)(2)(B) provides that the abandonment of an amortizable section 197 intangible, or any other event rendering an amortizable section 197 intangible worthless, is treated as a disposition for purposes of the loss disallowance rule of section 197(f)(1)(A).

The regulations under section 197, however, do not provide any special guidance on the ability of a taxpayer to recover basis or the proper method for computing loss on the disposition of an amortizable section 197 intangible relating to insurance contracts. Such guidance is necessary because, in contrast to dispositions of other intangibles, subchapter L generally does not compute an ''amount realized'' on the disposition of insurance contracts. Accordingly, the proposed regulations provide such guidance.

Under the proposed regulations, a disposition of a section 197(f)(5) intangible is any event as a result of which, absent section 197, recovery of basis is otherwise allowed for Federal income tax purposes. *See* proposed § 1.197–2(g)(5)(ii)(A). The proposed regulations provide specific guidance regarding when recovery of basis is allowed with respect to a section 197(f)(5) intangible in the context of an indemnity reinsurance transaction. In particular, they provide that basis recovery is permitted when sufficient

economic rights related to the insurance contracts that gave rise to such intangible have been transferred. Sufficient economic rights are treated as transferred when the ceding company transfers the right to future income on insurance contracts. Sufficient economic rights, however, are not treated as transferred if an experience refund provision, a recapture option, or another mechanism enables the taxpayer to retain a right to a substantial portion of the future profits on the reinsured policies. In addition, sufficient economic rights are not treated as transferred if the reinsurer assumes only a limited portion of the ceding company's risk relating to the underlying reinsured contracts (*e.g.,* excess loss reinsurance).

The proposed regulations also provide rules governing the amount of loss recognized on the disposition of a section 197(f)(5) intangible. Such loss equals the amount, if any, by which the adjusted basis of the section 197(f)(5) intangible immediately prior to the disposition exceeds the amount, if any, that the taxpayer receives from another person for the right to future income on the insurance contracts to which the section 197(f)(5) intangible relates. *See* proposed § 1.197–2(g)(5)(ii)(A)(2). The proposed regulations also provide that, in determining the amount of the taxpayer's loss on the disposition of a section 197(f)(5) intangible through a reinsurance transaction, any effect of the transaction on the amounts capitalized by the taxpayer as DAC is disregarded. *See* proposed § 1.197–2(g)(5)(ii)(B).

Other than in the case of certain reinsurance transactions, the proposed regulations do not provide specific guidance regarding when a disposition of a section 197(f)(5) intangible occurs or the extent to which a taxpayer should be permitted to recover the adjusted basis of a section 197(f)(5) intangible. Comments are requested regarding whether additional guidance should address other situations or issues.

Capitalization Under Section 848

DAC amounts are intended to serve as a proxy for an insurance company's actual cost of acquiring insurance contracts. An insurance company's DAC for a particular year will be negative (negative DAC) if return premiums and premiums paid for reinsurance for the year exceed premiums received in that year. Insurance companies are permitted to use any negative DAC to deduct currently the unamortized balance of DAC capitalized in prior years. Any remaining negative DAC can be carried forward to offset the DAC attributable to premiums received in future years.

Under proposed § 1.338–11(e), the assumption reinsurance transaction that results from section 338 generally has the same effect under section 848 as other assumption reinsurance transactions. That is, the assumption reinsurance transaction first reduces the current year's capitalization requirement and then offsets any unamortized DAC capitalized in prior years, which results in a current expense deduction.

The IRS and Treasury believe that, generally, once the ceding company no longer conducts an insurance business and ceases to exist for Federal income tax purposes, any relief from capitalization it might have enjoyed going forward is not appropriately transferred to a taxpayer other than a successor insurance company under section 381. Because regulations under § 1.381(c)(22)–1(b) have not been previously amended to reflect the enactment of section 848, the proposed regulations provide that remaining balances of DAC or excess negative DAC carry over to a successor insurance company in a section 381 transaction. *See* proposed § 1.381(c)(22)–1(b)(13). In all other cases, these proposed regulations provide that if, after giving effect to the reinsurance transaction in the deemed asset sale, the ceding company has remaining DAC or excess negative DAC, that remaining DAC is expensed or excess negative DAC is eliminated. *See* proposed § 1.338–11(e)(2).

Policyholders Surplus Account

Under section 815, as originally enacted by the Life Insurance Company Tax Act of 1959, stock life insurance companies were required to maintain a policyholders surplus account (PSA). Amounts contributed to a PSA were not included in income subject to tax under section 801. This deferral was based on the theory that such amounts may be necessary to meet future policyholders' claims.

The deferral afforded by section 815 generally terminated when there was a distribution from the PSA. For this purpose, a distribution included a distribution in partial or complete liquidation, a distribution in redemption of stock, dividend distributions other than distributions made by a corporation of its stock or rights to acquire its stock, payments attributable to distributions to shareholders made out of other accounts, payments in discharge of indebtedness attributable to distributions to shareholders made out of other accounts, and the balance of policyholders' surplus accounts on termination of life insurance status. *See* section 815, as originally enacted by the Life Insurance Company Tax Act of 1959; § 1.815–2(c); see also H.R. Conf. Rep. No. 34, 86th Cong., 1st Sess. 736 (1959), *Technical Explanation of the Life Insurance Company Income Tax Act of 1959,* at 762–64. However, a distribution did not include a carryover of the PSA to an acquiring corporation in a transaction described in section 381. Section 1.381(c)(22)–1(b)(7)(i); Rev. Rul. 77–248, 1977–2 C.B. 228. Therefore, distributions to a parent life insurance company of its subsidiary life insurance company's assets in the complete liquidation of the subsidiary under section 332 were not treated as distributions of the PSA subject to tax under section 801. *See* Rev. Rul. 77–248.

In 1984, Congress revised section 815 to prohibit further PSA contributions and to provide that any direct or indirect distribution to shareholders from the PSA would be subject to tax under section 801 in the year of the distribution. The legislative history indicates that the term *indirect distribution* is to be interpreted broadly to include both actual and constructive distributions of amounts in the PSA that directly or indirectly are used for the benefit of shareholders. See Staff of the Joint Committee on Taxation, 98th Cong., 2d Sess., *General Explanation of the Revenue Provisions of the Tax Reform Act of 1984,* at 594 (1984).

When a section 338(h)(10) election is made, old target is deemed to sell its assets for the ADSP and to distribute an amount equal to the proceeds of the stock sale, if any, to its shareholders in a deemed liquidation of old target. Section 332 generally applies to the receipt of this amount by the shareholder of an insurance company target. Although section 381 and the regulations thereunder provide that the PSA carries over to the acquiring corporation, the IRS and Treasury believe that where the acquiring corporation acquires less than 50 percent of old target's insurance business, such a rule is appropriate only to the extent that old target's insurance business is distributed in the section 381 transaction. To the extent that old target's insurance business is not distributed in a section 381 transaction, such amount is properly treated as a distribution of old target's PSA under section 815. When old target's PSA is separated from old target's insurance business, the purposes of the PSA are not served by further deferral because the old target's PSA is no longer necessary to meet future policyholders' claims. The separation of old target's

PSA from old target's insurance business effects a distribution of those funds, even if the shareholder receiving the distribution has an insurance business of its own. *See* proposed amendments to § 1.381(c)(22)–1(b)(7) and § 1.338–11(f); see also Rev. Rul. 95–19 (1995–1 C.B. 143).

Recently, some courts have divided over whether the deemed asset sale resulting from a section 338(g) election gives rise to a distribution by old target of the PSA to its shareholders. Compare *Bankers Life and Casualty Co.* v. *United States,* 79 AFTR2d (RIA) 1726 (N.D. Ill. 1996), *aff'd on other grounds,* 142 F.3d 973 (7th Cir. 1998), *cert. denied,* 525 U.S. 961 (1998), with *GE Life and Annuity Co.* v. *United States,* 127 F. Supp.2d 794 (E.D. Va. 2000). In a transaction with respect to which an election has been made under section 338(g), old target's shareholders are treated as having sold their stock of old target. In addition, old target is deemed to have sold its assets to new target for their fair market value and to terminate its existence. Because there has been a separation of the value attributable to the PSA and old target's life insurance business for which it was maintained, and the shareholders receive that value in a transaction other than a section 381 transaction, the proposed regulation effectively provides that the deemed asset sale pursuant to a section 338(g) election effects a distribution of the PSA to old target's shareholders to the extent the grossed-up amount realized for the recently purchased stock exceeds the shareholders surplus account. *See* proposed § 1.338–11(f).

Section 847 Estimated Tax Payments

To the extent that old target is deemed to transfer its insurance business to new target as a result of the deemed asset sale, old target's special loss discount account under section 847(3) must be reduced to the extent attributable to such transferred insurance business and old target must include the amount of such reduction in gross income for the taxable year of the transaction. *See* proposed § 1.338–11(g).

However, if any of old target's insurance business is distributed to its shareholders in a section 381 transaction, the acquiring corporation succeeds to the portion of old target's special loss discount account that is attributable to the insurance business that is transferred to the acquiring corporation. *See* proposed § 1.381(c)(22)–1(b)(14). This rule is intended to apply to both life and non-life insurance companies. Old target may apply the balance of its special estimated tax account as a credit against any tax resulting from the inclusion of this income. Because old target ceases to exist for Federal income tax purposes, any special estimated tax payments remaining after the credit are voided.

Section 846(e) Election

Under section 846(e), an insurance company may elect to compute discounted unpaid losses for all eligible lines of business using its historical payment pattern as shown on the most recent annual statement filed before the accident year instead of the historical payment pattern determined by the Commissioner. The election can only be made in a determination year, as defined by section 846(d), for the year in which the election is made and the four succeeding accident years.

Because new target is generally treated as a new corporation that may adopt its own accounting methods without regard to the methods used by old target (§ 1.338–1(b)), new target is not permitted to apply old target's experience as a result of any section 846(e) election made by old target under section 846. Thus, the proposed regulations do not provide any special rules under section 846.

Proposed Effective Dates

In general, these amendments are proposed to be applicable when filed as final regulations with the **Federal Register**.

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 is hereby certified that these regulations do not have a significant economic impact on a substantial number of small entities. This certification is based on the fact that these regulations do not have a substantial economic impact because they merely provide guidance about the operation of the tax law in the context of acquisitions of insurance companies and businesses. Moreover, they are expected to apply predominantly to transactions involving larger businesses. Therefore, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Pursuant to section 7805(f) of the 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 written comments (preferably a signed original and eight (8) copies) and comments sent via the Internet that are submitted (in the manner described under the **ADDRESSES** portion of this preamble) timely to the IRS. The Department of the Treasury and the IRS specifically request comments on the clarity of the proposed regulations and how they may be made easier to understand. All comments will be available for public inspection and copying.

A public hearing has been scheduled for September 18, 2002, beginning at 10 a.m. in the auditorium, Internal Revenue Building, 1111 Constitution Avenue, 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** portion of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to the hearing.

Persons who wish to present oral comments at the hearing must submit written or electronic comments and an outline of the topics to be discussed and the time to be devoted to each topic (preferably a signed original and eight (8) copies) by August 28, 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 proposed regulations is Mark J. Weiss, Office of Associate Chief Counsel (Corporate), IRS. However, other personnel from the Department of the Treasury and the IRS 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 an entry in numerical order to read in part as follows:

Authority: 26 U.S.C. 7805.

Section 1.338–11 is also issued under 26 U.S.C. 338. * * *

Par. 2. In § 1.197–0, the entries in the table of contents for § 1.197–2, paragraph (g)(5) are revised to read as follows:

§ 1.197–0 Table of contents.

This section lists the headings that appear in § 1.197–2.

§ 1.197–2 Amortization of goodwill and certain other intangibles.

* * * * *

(g) * * *

(5) Treatment of certain insurance contracts.

(i) Determination of adjusted basis of amortizable section 197 intangibles with respect to insurance contracts under section 197(f)(5).

(A) In general.

(B) Assumption reinsurance transactions.

(C) Amount paid or incurred by the reinsurer for the insurance contracts.

(D) Amount required to be capitalized under section 848 in connection with the transaction.

(*1*) In general.

(*2*) Cross references and special rules.

(E) Example.

(ii) Application of loss disallowance rule upon a disposition of an insurance contract acquired in an assumption reinsurance transaction.

(A) Disposition.

(*1*) In general.

(*2*) Treatment of indemnity reinsurance transactions.

(B) Loss.

(C) Examples.

(iii) Effective Date.

* * * * *

Par. 3. Section 1.197–2 is amended by revising paragraph (g)(5) to read as follows:

§ 1.197–2 Amortization of goodwill and certain other intangibles.

* * * * *

(g) * * *

(5) *Treatment of certain insurance contracts*—(i) *Determination of adjusted basis of amortizable section 197 intangibles with respect to insurance contracts under section 197(f)(5)*—(A) *In general.* Section 197 generally applies to insurance contracts acquired from another person through an assumption reinsurance transaction. Section 197(f)(5) determines the basis of an amortizable section 197 intangible with respect to insurance contracts acquired in an assumption reinsurance transaction. The basis of such an intangible is the excess of the amount paid or incurred by the acquirer (reinsurer) for the relevant insurance contract or group of insurance contracts (hereinafter insurance contracts) over the amount, if any, required to be capitalized under section 848 in connection with such transaction. For purposes of this paragraph (g)(5), the term *insurance contracts* includes an annuity contract or group of annuity contracts.

(B) *Assumption reinsurance transactions.* An assumption reinsurance transaction means an arrangement whereby the reinsurer becomes solely liable to the policyholders on insurance contracts transferred by the ceding company. Thus, the transfer of insurance contracts and assumption of related liabilities deemed to occur by reason of a section 338 election for a target insurance company is treated as an assumption reinsurance transaction.

(C) *Amount paid or incurred by the reinsurer for the insurance contracts.* The amount paid or incurred to acquire insurance contracts is—

(*1*) In a deemed asset sale resulting from an election under section 338, the amount of the AGUB allocable thereto (*see* §§ 1.338–6 and 1.338–11(b)(2));

(*2*) In an applicable asset acquisition within the meaning of section 1060, the amount of the consideration allocable thereto (*see* §§ 1.338–6, 1.338–11(b)(2), and 1.1060–1(c)(5)); and

(*3*) In any other transaction, the excess of the increase in the reinsurer's tax reserves resulting from the transaction (computed in accordance with sections 807, 832(b)(4)(B), and 846) over the value of the net assets received from the ceding company in the transaction.

(D) *Amount required to be capitalized under section 848 in connection with the transaction*—(1) *In general.* With respect to specified insurance contracts (as defined in section 848(e)) acquired in an assumption reinsurance transaction, the amount required to be capitalized under section 848 in connection with the acquisition of the relevant contracts is determined by multiplying the reinsurer's specified policy acquisition expenses for that taxable year by a fraction, the numerator of which is the reinsurer's tentative positive capitalization amount for the relevant acquired insurance contracts and the denominator of which is the reinsurer's total tentative positive capitalization amount for the taxable year with regard to all specified insurance contracts. For purposes of this paragraph, the tentative positive capitalization amount for the relevant acquired insurance contracts is determined by multiplying the net positive consideration received by the reinsurer in the assumption reinsurance transaction for the insurance contracts by the percentage factor applicable to the insurance contracts under section 848(c). The reinsurer's total tentative positive capitalization amount for the taxable year is the sum of—

(*i*) 1.75 percent of the net premiums for the taxable year on annuity contracts;

(*ii*) 2.05 percent of the net premiums for the taxable year on group life insurance contracts; and

(*iii*) 7.7 percent of the net premiums for the taxable year on specified insurance contracts other than annuity or group life insurance contracts.

(2) *Cross references and special rules.* In general, for rules applicable to the determination of specified policy acquisition expenses, net premiums, and net positive consideration, *see* section 848(c) and (d), and § 1.848–2(a) and (f). However, the following special rules apply solely for purposes of this paragraph (g)(5)(i)(D)—

(*i*) Specified policy acquisition expenses cannot be less than zero;

(*ii*) Net premiums for the taxable year cannot be less than the sum of the positive consideration for all contracts acquired by the reinsurer in assumption reinsurance transactions during the applicable taxable year;

(*iii*) In computing general deductions (as defined in section 848(c)(2)), one-half of the amount paid or incurred by the reinsurer in the assumption reinsurance transaction is treated as a section 197 intangible for which an amortization deduction is allowed under section 197(a); and

(*iv*) Any reduction of specified policy acquisition expenses pursuant to an election under § 1.848–2(i)(4) (relating to an assumption reinsurance transaction with an insolvent ceding company) is disregarded.

(E) *Example.* The following example illustrates this paragraph (g)(5)(i):

Example. (i) Facts. On January 15, P purchases all the stock of T, an insurance company, in a qualified stock purchase and makes a section 338 election for T. T is the issuer of a group life insurance contract. Under §§ 1.338–6 and 1.338–11(b)(2), the amount of AGUB allocable to the group contract is $15. P and new T are calendar year taxpayers. New T's net premiums for the taxable year are $10,000, which includes $500 net consideration with respect to the group contract transferred in the transaction. The remaining $9,500 of new T's net premiums are on life insurance contracts that are not group contracts. New T's specified policy acquisition expenses for the taxable year, excluding the amortization of any section 197 intangible acquired in this

transaction, are $199.50. (ii) *Analysis.* The deemed asset sale resulting from the election under section 338 is an assumption reinsurance transaction because new T becomes solely liable to policyholders on contracts for which old T formerly was liable. New T's adjusted basis in the group life insurance contract immediately following the assumption reinsurance transaction is determined as follows. The amount paid or incurred by new T in the assumption reinsurance transaction with respect to the contract is $15. Solely for purposes of computing the basis of new T's amortizable section 197 intangible under section 197(f)(5), new T's specified policy acquisition expenses for the year of the transaction equal $200.00 ($199.50 of other specified policy acquisition expenses for the year + $0.50 of assumed amortization expense under section 197, derived by treating one-half of the amount paid or incurred for the contract as a section 197 intangible for which an amortization deduction is allowed ($15.00 × ½ × 1/15)). To determine the amount required to be capitalized under section 848 in connection with the acquisition of the group contract, new T multiplies the $200 of specified policy acquisition expenses for the taxable year by a fraction, the numerator of which is $10.25 ($500 × 2.05%) and the denominator of which is $741.75 (($500 × 2.05%) + ($9,500 × 7.7%)). Thus, for purposes of applying section 197(f)(5), new T is treated as capitalizing $2.76 ($200 × $10.25 ÷ $741.75) under section 848 in connection with the acquisition of the group contract. Accordingly, the adjusted basis of the group contract under section 197(f)(5) is $12.24, the excess of the amount paid or incurred by the reinsurer for the group contract in the assumption reinsurance transaction ($15) over the amount treated as capitalized under section 848 in connection with the transaction ($2.76). New T amortizes the $12.24 adjusted basis of the group contract over 15 years under section 197. New T deducts the remaining $2.76 of the $15 of AGUB allocable to the contract because it is reflected in amounts new T capitalizes under section 848. In computing its actual capitalization under section 848 for the taxable year, new T takes into account its actual amortization under section 197 (i.e., $12.24 × 1/15 = $0.82) rather than the $0.50 assumed for the purpose of determining basis under section 197(f)(5).

(ii) *Application of loss disallowance rule upon a disposition of an insurance contract acquired in an assumption reinsurance transaction.* The following rules apply for purposes of applying the loss disallowance rules of section 197(f)(1)(A) to the disposition of a section 197(f)(5) intangible. For this purpose, a section 197(f)(5) intangible is an amortizable section 197 intangible the basis of which is determined under section 197(f)(5).

(A) *Disposition*—(1) *In general.* A disposition of a section 197 intangible is any event as a result of which, absent section 197, recovery of basis is otherwise allowed for Federal income tax purposes.

(2) *Treatment of indemnity reinsurance transactions.* The transfer through indemnity reinsurance of the right to the future income from the insurance contracts to which a section 197(f)(5) intangible relates does not necessarily preclude the recovery of basis by the ceding company, provided that sufficient economic rights relating to the reinsured contracts are transferred to the reinsurer. However, the ceding company is not permitted to recover basis in an indemnity reinsurance transaction if it has a right to experience refunds reflecting a significant portion of the future profits on the reinsured contracts, or if it retains an option to reacquire a significant portion of the future profits on the reinsured contracts through the exercise of a recapture provision. In addition, the ceding company is not permitted to recover basis in an indemnity reinsurance transaction if the reinsurer assumes only a limited portion of the ceding company's risk relating to the reinsured contracts (*e.g.,* excess loss reinsurance).

(B) *Loss.* The loss, if any, recognized by a taxpayer on the disposition of a section 197(f)(5) intangible equals the amount by which the taxpayer's adjusted basis in the section 197(f)(5) intangible immediately prior to the disposition exceeds the amount, if any, that the taxpayer receives from another person for the future income right from the insurance contracts to which the section 197(f)(5) intangible relates. In determining the amount of the taxpayer's loss on the disposition of a section 197(f)(5) intangible through a reinsurance transaction, any effect of the transaction on the amounts capitalized by the taxpayer as specified policy acquisition expenses under section 848 is disregarded.

(C) *Examples.* The following examples illustrate the principles of this paragraph (g)(5)(ii):

Example 1—(i) *Facts.* In a prior taxable year, as a result of a section 338 election with respect to T, new T was treated as purchasing all of old T's insurance contracts that were in force on the acquisition date in an assumption reinsurance transaction. Under §§ 1.338–6 and 1.338–11(b)(2), the amount of AGUB allocable to the future income right from the purchased insurance contracts was $15, net of the amounts required to be capitalized under section 848 as a result of the assumption reinsurance transaction. At the beginning of the current taxable year, as a result of amortization deductions allowed by section 197(a), new T's adjusted basis in the section 197(f)(5) intangible resulting from the assumption reinsurance transaction is $12. During the current taxable year, new T enters into an indemnity reinsurance agreement with R, another insurance company, in which R assumes 100 percent of the risk relating to the insurance contracts to which the section 197(f)(5) intangible relates. In the indemnity reinsurance transaction, R agrees to pay new T a ceding commission of $10 in exchange for the future profits on the underlying reinsured policies. Under the indemnity reinsurance agreement, new T continues to administer the reinsured policies, but transfers investment assets equal to the required reserves for the reinsured policies together with all future premiums to R. The indemnity reinsurance agreement does not contain an experience refund provision or a provision allowing new T to terminate the reinsurance agreement at its sole option. New T retains the insurance licenses and other amortizable section 197 intangibles acquired in the deemed asset sale and continues to underwrite and issue new insurance contracts.

(ii) *Analysis.* The indemnity reinsurance agreement constitutes a disposition of the section 197(f)(5) intangible because it involves the transfer of sufficient economic rights attributable to the insurance contracts to which the section 197(f)(5) intangible relates such that recovery of basis is allowed. For purposes of applying the loss disallowance rules of section 197(f)(1) and paragraph (g) of this section, new T's loss is $2 (new T's adjusted basis in the section197(f)(5) intangible immediately prior to the disposition ($12) less the ceding commission ($10)). Therefore, new T applies $10 of the adjusted basis in the section 197(f)(5) intangible against the amount received from R for the future income right on the reinsured policies and increases its basis in the amortizable section 197 intangibles that it acquired and retained from the deemed asset sale by $2, the amount of the disallowed loss. The amount of new T's disallowed loss under section 197(f)(1)(A) is determined without regard to the effect of the indemnity reinsurance transaction on the amounts capitalized by new T as specified policy acquisition expenses under section 848.

Example 2—(i) *Facts.* Assume the same facts as in *Example 1,* except that under the indemnity reinsurance agreement R agrees to pay new T a ceding commission of $5 with respect to the underlying reinsured contracts. In addition, under the indemnity reinsurance agreement, new T is entitled to an experience refund equal to any future profits on the reinsured contracts in excess of the ceding commission plus an annual risk charge. New T also has a right to recapture the business at any time after R has recovered an amount equal to the ceding commission.

(ii) Analysis. The indemnity reinsurance agreement between new T and R does not represent a disposition because it does not involve the transfer of sufficient economic rights with respect to the future income on the reinsured contracts. Therefore, new T may not recover its basis in the section 197(f)(5) intangible to which the contracts relate and must continue to amortize ratably the adjusted basis of the section 197(f)(5) intangible over the remainder of the 15-year recovery period and cannot apply any portion of this adjusted basis to offset the

ceding commission received from R in the indemnity reinsurance transaction.

(iii) *Effective date.* This paragraph (g)(5) is applicable to acquisitions and dispositions on or after the date it is filed as a final regulation with the **Federal Register**. For rules applicable to acquisitions and dispositions on or before that date, *see* § 1.197–2 in effect prior to that date (*see* 26 CFR part 1, revised April 1, 2001).

* * * * *

Par. 4. Section 1.338–0 is amended by adding entries to the outline of topics for § 1.338–11 to read as follows:

§ 1.338–0 Outline of topics.

* * * * *

§ 1.338–11 Effect of section 338 election with respect to insurance company target.

(a) In general.

(b) Computation of ADSP and AGUB.

(1) Reserves as an assumed liability.

(2) Allocation of AGUB and ADSP to specific insurance contracts.

(c) Application of assumption reinsurance principles.

(1) In general.

(2) Reinsurance premium amount.

(3) Ceding commission.

(4) Examples.

(d) Reserve increases by new target after the deemed asset sale.

(1) In general.

(2) Exceptions.

(3) Increases in unpaid loss reserves.

(4) Increases in other reserves.

(5) DAC characteristics of the premium resulting from an adjustment.

(6) Subsequent dispositions of amortizable section 197 intangibles with respect to insurance contracts.

(7) Examples.

(e) Effect of section 338 election on old target's capitalization amounts under section 848.

(1) Determination of net consideration for specified insurance contracts.

(2) Determination of capitalization amount.

(3) Section 381 transactions.

(f) Effect of section 338 election on policyholders surplus account.

(g) Effect of section 338 election on section 847 special estimated tax payments.

(h) Effective date.

Par. 5. Section 1.338–1 is amended by revising the last two sentences of paragraph (a)(2) and adding a sentence before the last sentence of paragraph (a)(3), to read as follows:

§ 1.338–1 General principles; status of old target and new target.

(a) * * *

(2) * * * For example, if the target is an insurance company for which a section 338 election is made, the deemed asset sale results in an assumption reinsurance transaction with respect to the insurance contracts deemed transferred from old target to new target. *See,* generally, § 1.817–4(d), and for specific rules regarding transactions to which section 338 applies, § 1.338–11.

(3) * * * Section 1.338–11 provides special rules for insurance company targets. * * *

* * * * *

Par. 6. Section 1.338–11 is added to read as follows:

§ 1.338–11 Effect of section 338 election with respect to insurance company target.

(a) *In general.* This section provides rules that apply where an election under section 338 is made with respect to a target that is an insurance company. The rules in this section apply in addition to those generally applicable upon the making of an election under section 338. In the case of a conflict between the provisions of this section and other provisions of the Internal Revenue Code or regulations, the rules set forth in this section determine the Federal income tax treatment of the parties and the transaction where a section 338 election is made with respect to an insurance company target.

(b) *Computation of ADSP and AGUB*—(1) *Reserves as an assumed liability.* For purposes of computing ADSP and AGUB under §§ 1.338–4 and 1.338–5, old target's reserves for Federal income tax purposes with respect to any insurance, annuity, and reinsurance contracts deemed sold by old target to new target in the deemed asset sale will be treated as liabilities of old target assumed by new target. Such reserves are those properly taken into account by old target with respect to such contracts at the close of the taxable year ending on the acquisition date (before giving effect to the deemed asset sale and assumption reinsurance transaction). Such reserves are hereinafter referred to as old target's tax reserves.

(2) *Allocation of AGUB and ADSP to specific insurance contracts.* For purposes of allocating AGUB and ADSP pursuant to §§ 1.338–6 and 1.338–7, the fair market value of a specific insurance, reinsurance or annuity contract or group of insurance, reinsurance or annuity contracts (hereinafter insurance contracts) is the amount of the ceding commission a willing reinsurer would pay a willing ceding company in an arm's length transaction for the reinsurance of the contracts if the gross reinsurance premium for the contracts were equal to old target's tax reserves for the contracts. See § 1.197–2(g)(5) for rules concerning the treatment of the amount allocable to insurance contracts acquired in the deemed asset sale.

(c) *Application of assumption reinsurance principles*—(1) *In general.* If a target is an insurance company, the deemed sale of insurance contracts is treated for Federal income tax purposes as an assumption reinsurance transaction between old target, as the reinsured or ceding company, and new target, as the reinsurer or acquiring company, at the close of the acquisition date. The Federal income tax treatment of the assumption reinsurance transaction is determined under the applicable provisions of subchapter L, chapter 1, subtitle A of the Internal Revenue Code, as modified by the rules set forth in this section.

(2) *Reinsurance premium amount.* In general, the gross amount of the premium paid by old target in the assumption reinsurance transaction is equal to the amount of old target's tax reserves with respect to the contracts deemed transferred from old target to new target, as computed in paragraph (b)(1) of this section. Thus, old target is entitled to a deduction for this amount, and includes in income the ceding commission, if any, deemed received from new target. New target is deemed to receive a reinsurance premium from old target in the amount of the reserves for the contracts and to pay old target the amount of any ceding commission, as computed in paragraph (c)(3) of this section.

(3) *Ceding commission.* Old target is deemed to receive a ceding commission in an amount equal to the amount of ADSP allocated to the insurance contracts transferred in the assumption reinsurance transaction, as determined under §§ 1.338–6 and 1.338–7 and paragraph (b) of this section. New target is deemed to pay a ceding commission in an amount equal to the amount of AGUB allocated to the insurance contracts acquired in the assumption reinsurance transaction, as determined under §§ 1.338–6 and 1.338–7 and paragraph (b) of this section.

(4) *Examples.* The following examples illustrate this paragraph (c):

Example 1—(i) *Facts.* On January 1, 2003, T, an insurance company, has the following assets with the following fair market values: $10 cash, $30 of securities, $10 of equipment, a life insurance contract having a value, under paragraph (b)(2) of this section, of $17, and goodwill and going concern value. T has tax reserves of $50 and no other liabilities. On January 1, 2003, P purchases all of the stock of T for $16 and makes a section 338 election for T. For purposes of the capitalization requirements of section 848, assume new T has $20 of general deductions in its first taxable year ending on December

31, 2003, and earns no other premiums during the year.

(ii) *Analysis.* (A) For Federal income tax purposes, the section 338 election results in a deemed sale of the assets of old T to new T. Old T's ADSP is $66 ($16 amount realized for the T stock plus $50 liabilities). New T's AGUB also is $66 ($16 basis for the T stock plus $50 liabilities). See paragraph (b)(1) of this section. Each of the AGUB and ADSP is allocated under the residual method of § 1.338–6 to determine the purchase or sale price of each asset transferred. Each of the AGUB and ADSP is allocated as follows: $10 to cash (Class I), $30 to the securities (Class II), $10 to equipment (Class V), $16 to the life insurance contract (Class VI), and $0 to goodwill and going concern value (Class VII).

(B) Under section 1001, old T's amount realized with respect to the securities is $30 and with respect to the equipment is $10. As a result of the deemed asset sale, there is an assumption reinsurance transaction between old T (as ceding company) and new T (as reinsurer) at the close of the acquisition date with respect to the life insurance contract issued by old T. See paragraph (c)(1) of this section. Although the assumption reinsurance transaction results in a $50 decrease in old T's reserves, which is taxable income to old T, the reinsurance premium paid by old T is deductible by old T. Under paragraph (c)(2) of this section, old T is deemed to pay a reinsurance premium equal to the reserve for the life insurance contract immediately before the deemed asset sale ($50) and is deemed to receive a ceding commission from new T. Under paragraph (c)(3) of this section, the portion of the ADSP allocated to the life insurance contract is $16; thus, the ceding commission is $16. Old T, therefore, is deemed to pay new T a reinsurance premium of $34 ($50 − $16 = $34). Old T also has $34 of net negative consideration for purposes of section 848. See paragraph (e) of this section for rules relating to the effect of a section 338 election on the capitalization of amounts under section 848.

(C) New T obtains an initial basis of $30 in the securities and $10 in the equipment. New T is deemed to receive a reinsurance premium from old T in an amount equal to the $50 of reserves for the life insurance contract and to pay old T a $16 ceding commission for the contract. See paragraphs (c)(2) and (3) of this section. Accordingly, new T includes $50 of premium in income and deducts $50 for its increase in reserves. For purposes of section 848, new T has $34 of net positive consideration with regard to the deemed assumption reinsurance transaction. Because the only contract involved in the deemed assumption reinsurance transaction is a life insurance contract, new T must capitalize $2.62 ($34 × 7.7% = $2.62) under section 848. New T will amortize the $2.62 as provided under section 848. New T's adjusted basis in the life insurance contract, which is an amortizable section 197 intangible, is $13.38, the excess of the $16 ceding commission over the $2.62 capitalized under section 848. See section 197 and § 1.197–2(g)(5). New T deducts the $2.62 of the ceding commission that is not amortizable under section 197 because it is reflected in the amount capitalized under section 848 and also deducts the remaining $17.38 of its general deductions.

Example 2—(i) *Facts.* Assume the same facts as in *Example 1,* except the life insurance contract has a value of $0. Thus, to reinsure the contract in an arm's length transaction, T would have to pay the reinsurer a reinsurance premium in excess of T's $50 of tax reserves for the contract.

(ii) *Analysis.* (A) For Federal income tax purposes, the section 338 election results in a deemed sale of the assets of old T to new T. Old T's ADSP is $66 ($16 amount realized for the T stock plus $50 liabilities). New T's AGUB also is $66 ($16 basis for the T stock plus $50 liabilities). See paragraph (b)(1) of this section. Each of the AGUB and ADSP is allocated under the residual method of § 1.338–6 to determine the purchase or sale price of each asset transferred. Each of the AGUB and ADSP is allocated as follows: $10 to cash (Class I), $30 to the securities (Class II), $10 to the equipment (Class V), $0 to the life insurance contract (Class VI), and $16 to goodwill and going concern value (Class VII).

(B) Under section 1001, old T's amount realized with respect to the securities is $30 and with respect to the equipment is $10. As a result of the deemed asset sale, there is an assumption reinsurance transaction between old T (as ceding company) and new T (as reinsurer) at the close of the acquisition date with respect to the life insurance contract issued by old T. See paragraph (c)(1) of this section. Although the assumption reinsurance transaction results in a $50 decrease in old T's reserves, which is taxable income to old T, the reinsurance premium deemed paid by old T to new T is deductible by old T. Under paragraph (c)(2) of this section, old T is deemed to pay a reinsurance premium equal to the reserve for the life insurance contract immediately before the deemed asset sale ($50), and is deemed to receive from new T a ceding commission equal to the amount of AGUB allocated to the life insurance contract ($0), as provided in paragraph (c)(3) of this section. Old T also has $50 of net negative consideration for purposes of section 848. See paragraph (e) of section for rules relating to the effect of a section 338 election on capitalization amounts under section 848.

(C) New T obtains an initial basis of $30 in the securities and $10 in the equipment. New T is deemed to receive a reinsurance premium from old T in an amount equal to the $50 of reserves for the life insurance contract. Accordingly, new T includes $50 of premium in income and deducts $50 for its increase in reserves. For purposes of section 848, new T has $50 of net positive consideration with respect to the deemed assumption reinsurance transaction. Because the only contract involved in the assumption reinsurance transaction is a life insurance contract, new T must capitalize $3.85 ($50 × 7.7%) under section 848 from the transaction and deducts the remaining $16.15 of its general deductions. Because new T allocates $0 of the AGUB to the insurance contract, no amount is amortizable under section 197 with respect to the insurance contract. See paragraph (d) of this section for rules on adjustments required if, before the end of 2006, new T increases its reserves for, or reinsures at a loss, the acquired life insurance contract.

(d) *Reserve increases by new target after the deemed asset sale*—(1) *In general.* If, during any of its first four taxable years, new target increases its reserves for any insurance contracts acquired in the deemed asset sale (acquired contracts), new target shall be treated as receiving in that year the sum of the positive amounts, if any, described in paragraphs (d)(3) and (4) of this section as an additional premium for the acquired insurance contracts in the assumption reinsurance transaction (described in paragraph (c)(1) of this section) that occurred in connection with the deemed asset sale and will include such amount in income, and such amount will increase AGUB. *See* §§ 1.338–5(b)(2)(ii) and 1.338–7. Old target makes no adjustments to ADSP under this paragraph (d).

(2) *Exceptions.* New target is not required to take into account reserve increases under this paragraph (d)—

(i) To the extent such increases occur while it is under state receivership; or

(ii) To the extent its deduction for the reserve increase is spread under section 807(f) over the 10 succeeding taxable years.

(3) *Increases in unpaid loss reserves.* The amount of reserve increases, if any, taken into account under this paragraph (d) with respect to unpaid losses on acquired contracts is computed using the formula $A/B \times (C - [D + E])$ where—

(i) A equals old target's discounted unpaid losses (determined under section 846) used to compute the tax reserves included in AGUB under paragraph (b)(1) of this section;

(ii) B equals old target's undiscounted unpaid losses (as defined by section 846(b)(1)) used to compute the tax reserves included in AGUB under paragraph (b)(1) of this section;

(iii) C equals new target's undiscounted unpaid losses (as defined by section 846(b)(1)) at the end of the taxable year that are attributable to losses incurred by old target on or before the acquisition date;

(iv) D (which may be a negative number) equals the amount determined by—

(A) Multiplying old target's undiscounted unpaid losses (as defined by section 846(b)(1)) by 1.02 for new target's first taxable year, 1.04 for new target's second taxable year, 1.06 for new target's third taxable year, or 1.08 for new target's fourth taxable year; and

(B) Subtracting the cumulative amount of losses, loss adjustment expenses, and reinsurance premiums paid by new target through the end of

the taxable year with regard to losses incurred by old target on or before the acquisition date; and

(v) E equals the cumulative amount of the undiscounted unpaid losses taken into account in prior taxable years by new target as adjustments to reserves with regard to losses incurred by old target on or before the acquisition date.

(4) *Increases in other reserves.* The amount of the increases in reserves other than unpaid loss reserves is taken into account under this paragraph (d) to the extent of any net increase (in the aggregate) in reserves for acquired contracts due to changes in methodology or assumptions used to compute the reserves for those contracts (including the adoption by new target of a methodology or assumptions different from those used by old target).

(5) *DAC characteristics of the premium resulting from an adjustment.* For purposes of applying section 848, the additional premium arising from the adjustment under this paragraph (d) is allocated among each category of specified insurance contracts under section 848(c)(1) (and contracts that are not specified insurance contracts) as follows—

(i) For each category of specified insurance contracts (and contracts that are not specified insurance contracts), by taking the sum of that category's contribution to the amounts in paragraphs (d)(3) and (4) of this section; and

(ii) Dividing the additional premium described in paragraph (d)(1) of this section in proportion to the positive sums for each category from paragraph (d)(5)(i) of this section.

(6) *Subsequent dispositions of amortizable section 197 intangibles with respect to insurance contracts.* For rules regarding subsequent dispositions of contracts acquired in the deemed asset sale, see also § 1.197–2(g)(5)(ii).

(7) *Examples.* The following examples illustrate this paragraph (d):

Example 1—(i) *Facts.* On January 1, 2003, P purchases all of the stock of T, a non-life insurance company, for $120 and makes a section 338 election for T. On the acquisition date, old T has total reserve liabilities under state law of $725, consisting of undiscounted unpaid losses of $625 and unearned premiums of $100. Old T's tax reserves on the acquisition date are $580, which consist of discounted unpaid losses (as defined in section 846) of $500 and unearned premiums (as computed under section 832(b)(4)(B)) of $80. Old T has assets in Classes I through V with a fair market value of $700. As of the beginning of January 1, 2003, old T also has Class VI assets with a value of $75, consisting of the future profit stream on certain insurance contracts. During 2003, new T makes loss adjustment expense payments of $200 with respect to the unpaid losses incurred by old T prior to the acquisition date. As of December 31, 2003, new T reports undiscounted unpaid losses of $435 attributable to losses incurred prior to the acquisition date. The related amount of discounted losses (as defined in section 846) for those losses is $360.

(ii) *Computation and allocation of AGUB.* Pursuant to § 1.338–5 and paragraph (b)(1) of this section, as of the acquisition date, AGUB is $700, reflecting the sum of the amount paid for old T's stock ($120) and the tax reserves assumed by new T in the transaction ($580). Under § 1.338–6, new T allocates the AGUB to each of the assets in Class I through V up to their fair market value. No AGUB is available for the assets in Class VI, even though the future profit stream on old T's insurance contracts has a fair market value of $75 on the acquisition date.

(iii) *Adjustments for increases in reserves with respect to unpaid losses.* Pursuant to paragraph (d) of this section, new T must determine whether any amounts by which it increased its unpaid loss reserves will be treated as an additional premium. New T applies the formula of paragraph (d)(3) of this section, where A equals $500, B equals $625, C equals $435, D equals $437.50 [($625 × 1.02) − $200], and E equals $0. Under the formula, new T is not subject to an adjustment for 2003 because new T's undiscounted unpaid losses at the end of the taxable year ($435) do not exceed $437.50, the adjusted amount of undiscounted unpaid losses used in computing AGUB reduced by loss payments through the end of the taxable year [($625 × 1.02) − $200].

Example 2—(i) *Facts.* Assume the same facts as in *Example 1.* Further assume that during 2004 new T deducts total loss and expense payments of $375 with respect to losses incurred by old T prior to the acquisition date. On December 31, 2004, new T reports undiscounted unpaid losses of $150 with respect to losses incurred prior to the acquisition date. The related amount of discounted unpaid losses (as defined in section 846) for those losses is $125.

(ii) *Analysis.* New T must determine whether any amounts by which it increased its unpaid loss reserves during 2004 will be treated as an additional premium under paragraph (d) of this section. New T applies the formula of paragraph (d)(3) of this section, where A equals $500, B equals $625, C equals $150, D equals $75 [($625 × 1.04) − $575], and E equals $0. Pursuant to paragraph (d) of this section, new T must recognize additional premium income in 2004 of $60.00 (($500/$625) × ($150—[$75+$0]) to offset the section 832(b)(5) deduction for amounts by which it increased those reserves and must adjust the amount of AGUB allocable to acquired insurance contracts (Class VI assets) to reflect the increase in AGUB attributable to the $60.00 adjustment for increases in reserves. See section 197 and the regulations thereunder for the treatment of the amounts allocable to the insurance contracts.

Example 3—(i) *Facts.* Assume the same facts as in *Example 2.* Further assume that on January 1, 2005, new T reinsures the outstanding liability with respect to losses incurred by old T prior to the acquisition date through a portfolio reinsurance transaction with R, another non-life insurance company. In this transaction, R agrees to assume any remaining liability with respect to losses incurred prior to the acquisition date in exchange for a reinsurance premium of $175. Accordingly, as of December 31, 2005, new T reports no undiscounted unpaid losses with respect to losses incurred by old T prior to the acquisition date.

(ii) *Analysis.* New T must determine whether any amounts by which it increased its unpaid loss reserves will be treated as an additional premium under paragraph (d) of this section. New T applies the formula of paragraph (d)(3) of the section, where A equals $500, B equals $625, C equals $0, D equals −$87.50 [($625 × 1.06) − ($575 + $175) = −$87.50], and E equals $75. New T must include $10.00 (($500/$625) × ($0 − [−$87.50 + $75]) in gross income for 2005 to offset the section 832(b)(5) deduction for increases to its unpaid loss reserve and must increase the AGUB allocable to the acquired insurance contracts (Class VI assets) by this amount. See section 197 and the regulations thereunder for the treatment of the amounts allocable to the insurance contracts.

(e) *Effect of section 338 election on old target's capitalization amounts under section 848*—(1) *Determination of net consideration for specified insurance contracts.* For purposes of applying section 848 and § 1.848–2(f) to the deemed assumption reinsurance transaction, old target's net consideration (either positive or negative) with respect to each category of specified insurance contracts is an amount equal to—

(i) The allocable portion of the ceding commission (if any) relating to contracts in that category; less

(ii) The amount by which old target's tax reserves for contracts in that category has been reduced as a result of the deemed assumption reinsurance transaction.

(2) *Determination of capitalization amount.* Except as provided in § 1.381(c)(22)–1(b)(13)—

(i) If, after the deemed asset sale, old target has an amount otherwise required to be capitalized under section 848 for the taxable year or an unamortized balance of specified policy acquisition expenses from prior taxable years, then old target deducts such remaining amount or unamortized balance as an expense incurred in the taxable year that includes the acquisition date; and

(ii) If, after the deemed asset sale, the negative capitalization amount resulting from the reinsurance transaction exceeds the amount that old target can deduct under section 848(f)(1), then old target's capitalization amount is treated as zero at the close of the taxable year that includes the acquisition date.

(3) *Section 381 transactions.* For transactions described in section 381, see § 1.381(c)(22)–1(b)(13).

(f) *Effect of section 338 election on policyholders surplus account.* Except as specifically provided in § 1.381(c)(22)–1(b)(7), the deemed asset sale effects a distribution of old target's policyholders surplus account to the extent the grossed-up amount realized on the sale to the purchasing corporation of the purchasing corporation's recently purchased target stock (as defined in § 1.338–4(c)) exceeds old target's shareholders surplus account under section 815(c).

(g) *Effect of section 338 election on section 847 special estimated tax payments.* If old target had elected to claim an additional deduction under section 847 for taxable years prior to and including the acquisition date, the amount remaining in old target's special loss discount account under section 847(3) must be reduced to the extent it relates to contracts transferred to new target and the amount of such reduction must be included in old target's gross income for the taxable year that includes the deemed assumption reinsurance transaction. Old target may apply the balance of its special estimated tax account as a credit against any tax resulting from such inclusion in gross income. Any special estimated tax payments remaining after this credit are voided and, therefore, are not available for credit or refund. Pursuant to section 847(1), new target is permitted to claim a section 847 deduction with respect to losses incurred prior to the deemed asset sale, subject to the general requirement that new target makes timely special estimated tax payments equal to the tax benefit resulting from this deduction. *See* § 1.381(c)(22)-1(c)(14) regarding the carryover of the special loss discount account attributable to contracts transferred in a section 381 transaction.

(h) *Effective date.* This section applies to a section 338 election for a target if the acquisition date is on or after the date this section is filed as a final regulation with the **Federal Register**.

Par. 7. Section 1.381(c)(22)–1 is amended by:

1. Adding a sentence to the end of paragraph (b)(7)(i).

2. Redesignating existing (b)(7)(ii) as paragraph (b)(7)(iv) and adding new paragraphs (b)(7)(ii) and (b)(7)(iii).

3. Adding paragraphs (b)(7)(v), and (b)(13) and (b)(14).

The revisions read as follows:

§ 1.381(c)(22)–1 Successor life insurance company.

* * * * *

(b) * * *

(7)(i) * * * However, any amounts attributable to money or other property distributed to a person other than the acquiring corporation under section 381(a) (*e.g.,* boot) shall be treated as a distribution under section 815.

(ii) Notwithstanding paragraph (b)(7)(i) of this section, if the transferor corporation transfers less than 50 percent of its insurance business to the acquiring corporation, then the acquiring corporation shall succeed to a ratable portion of the dollar balances in the transferor's shareholders surplus account, policyholders surplus account, and other accounts. The percentage of such accounts to which the acquiring corporation succeeds is determined by the ratio of the transferor's insurance reserves for the contracts transferred to the acquiring corporation, as maintained under section 816(b), to the transferor's reserves for all of its contracts maintained under section 816(b) immediately before the earlier of the distribution or transfer or the adoption of the plan of liquidation or reorganization. For transactions in which the transferor liquidates pursuant to an election under section 338(h)(10), *see* § 1.338–11(f) for the treatment of its remaining policyholders surplus account. For all other transactions subject to this paragraph, the transferor must take into account as income its remaining policyholders surplus account to the extent the fair market value of its assets (net of liabilities) transferred to the acquiring corporation or to the transferor's shareholders pursuant to the plan of liquidation or reorganization exceeds the transferor's remaining shareholders surplus account.

(iii) If, pursuant to a plan in existence at the time of the liquidation or reorganization, the acquiring corporation transfers any insurance or annuity contract it received in the liquidation or reorganization to another person, then, for purposes of paragraph (b)(7)(ii) of this section, that contract shall be deemed to have been transferred by the transferor to that other person after the adoption of the plan of liquidation or reorganization. If the transferor is an old target within the meaning of § 1.338(h)(10)–1(d)(2), any transfer by the acquiring corporation to the purchasing corporation (as defined in § 1.338–2(c)(11)) or to any person related to the purchasing corporation within the meaning of section 197(f)(9)(C) within two years of the transfer described in section 381(a) will be presumed to have been pursuant to a plan in existence at the time of the liquidation or reorganization.

* * * * *

(v) The provisions of this paragraph (b)(7) are illustrated by the following examples:

Example 1. P buys the stock of insurance company target, T, from S for $16, and P and S make a section 338(h)(10) election for T. T transfers no insurance contracts to S, or any related party, in connection with the transaction. Further, assume that T had $10 in its policyholders surplus account and no balance in its shareholders surplus account or other accounts. Immediately before the deemed asset sale, old T is required to include as ordinary income the $10 in the policyholders surplus account.

Example 2. Assume the same facts as in *Example 1,* except that T holds a block of life insurance contracts P does not wish to acquire, and, immediately before the sale of T stock, S causes T to distribute the unwanted block of insurance contracts to S. Further, assume that S is an insurance company, that the distribution of contracts is treated as pursuant to a section 332 liquidation, and that old T's tax reserves with respect to the distributed contracts represent one-tenth of old T's tax reserves with respect to all of its life insurance contracts. Because T transfers less than 50 percent of its life insurance business to S pursuant to a section 332 liquidation, S succeeds to a ratable portion of old T's policyholders surplus account ($1), and old T includes as ordinary income the remaining $9 of that account.

Example 3. Assume the same facts as in *Example 2,* except that 14 months after the deemed asset sale, S and X, a person related to new T under section 197(f)(9)(C), engage in an indemnity reinsurance transaction involving the contracts transferred to S from old T. Because X is related to the purchasing corporation (P) under section 197(f)(9)(C), and X receives contracts from the acquiring corporation (S) that S acquired from old T within two years of the transfer from old T to S, the contracts are presumed to have been transferred pursuant to a plan in existence at the time of old T's liquidation. If S cannot establish otherwise, old T is treated as having distributed the remainder of its policyholders surplus account. In that case, in the taxable year of the indemnity reinsurance transaction, S takes into account as ordinary income the portion of old T's accounts ($9) that old T or S has not previously taken into account as income.

* * * * *

(13) The transferor's unamortized policy acquisition expenses or positive or negative capitalization requirements on its specified insurance contracts.

(14) The special loss discount account, provided, however, that the acquiring corporation will succeed to the special loss discount account only to the extent that it is attributable to the portion of the transferor's insurance business acquired by the acquiring corporation in the section 381 transaction.

Par. 8. Section 1.1060–1 is amended by:

1. Revising paragraph (a)(2).

2. Adding entries in paragraph (a)(3) in the outline of topics for paragraphs (b)(9) and (c)(5).

3. Adding new paragraphs (b)(9) and (c)(5).

The revision and addition read as follows:

§ 1.1060–1 Special allocation rules for certain asset acquisitions.

(a) * * *

(2) *Effective dates.* In general, the provisions of this section apply to any asset acquisition occurring after March 15, 2001. However, paragraphs (b)(9) and (c)(5) of this section apply only to applicable asset acquisitions occurring on or after the date they are filed as final regulations with the **Federal Register**. For rules applicable to asset acquisitions on or before March 15, 2001, see § 1.1060–1T in effect prior to March 16, 2001 (see 26 CFR part 1 revised April 1, 2000).

(3) * * *

* * * * *

(b) * * *

(9) Insurance business.

(c) * * *

(5) Insurance business.

* * * * *

(b) * * *

(9) *Insurance business.* The mere reinsurance of insurance contracts by an insurance company is not an applicable asset acquisition, even if it enables the reinsurer to establish a customer relationship with the owners of the reinsured contracts. However, a transfer of an insurance business is an applicable asset acquisition if the purchaser acquires significant business assets, in addition to insurance contracts, to which goodwill and going concern value could attach. For rules regarding the treatment of an applicable asset acquisition of an insurance business, see paragraph (c)(5) of this section.

(c) * * *

(5) *Insurance business.* If the trade or business transferred is an insurance business, the rules of this paragraph (c) are modified by the principles of § 1.338–11(a) through (d). However, in transactions governed by section 1060, such principles apply even if the transfer of the trade or business is effected in whole or in part through indemnity reinsurance rather than assumption reinsurance, and, with respect to the insurer or reinsurer, an insurance contract (including an annuity or reinsurance contract) is a Class VI asset regardless of whether it is a section 197 intangible. In addition, the principles of § 1.338–11(e) through (g) apply if the transfer occurs in connection with the complete liquidation of the transferor.

* * * * *

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

[FR Doc. 02–5485 Filed 3–7–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 46

[REG–125450–01]

RIN 1545–AY93

Liability for Insurance Premium Excise Tax; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulations relating to liability for insurance premium excise tax.

DATES: The public hearing originally scheduled for Tuesday, March 19, 2002, at 10 a.m., is cancelled.

FOR FURTHER INFORMATION CONTACT: Guy Traynor, Regulations Unit, Assistant Chief Counsel (Income Tax & Accounting), (202) 622–7180 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on January 7, 2002 (67 FR 707), announced that a public hearing was scheduled for March 19, 2002 at 10 a.m., in room 4718 of the Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC. The subject of the public hearing is proposed regulations under section 4371 of the Internal Revenue Code. The public comment period for these proposed regulations expired on February 26, 2002. The notice of proposed rulemaking and notice of public hearing, instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of January 7, 2002, no one has requested to speak. Therefore, the public hearing scheduled for March 19, 2002 is cancelled.

Cynthia E. Grigsby,

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

[FR Doc. 02–5484 Filed 3–7–02; 8:45 am]

BILLING CODE 4830–01–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 2002–1A]

Notice and Recordkeeping for Use of Sound Recordings under Statutory License

AGENCY: Copyright Office, Library of Congress.

ACTION: Extension of comment period.

SUMMARY: The Copyright Office of the Library of Congress is extending the time period for filing comments on its Notice of Proposed Rulemaking concerning requirements by which copyright owners shall receive reasonable notice of the use of their works from digital transmission services, and how records of such use shall be kept and made available to copyright owners.

DATES: Comments are due no later than April 5, 2002. Reply comments are due April 26, 2002.

ADDRESSES: If sent by mail, an original and ten copies of comments and reply comments should be addressed to: Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC 20024. If hand delivered, comments and reply comments should be brought to: Office of the General Counsel, James Madison Building, Room LM–403, First and Independence Ave., SE., Washington, DC 20559–6000.

FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel, or Tanya M. Sandros, Senior Attorney, Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707–8380. Telefax: (202) 252–3423.

SUPPLEMENTARY INFORMATION: A sound recording may be publicly performed by means of a digital audio transmission under a statutory license provided that the user adheres to the terms of the license and the regulations established by the Copyright Office governing notice and recordkeeping. *See* 17 U.S.C. 114. On February 7, 2002, the Copyright

Office published a Notice of Proposed Rulemaking which announced the proposed rules for giving copyright owners reasonable notice that their sound recordings are being used under the statutory digital performance right license, and set forth rules for maintaining records of use and making them available to copyright owners. 67 FR 5761 (February 7, 2002). The notice also included proposed rules concerning notice and recordkeeping requirements associated with the use of a second statutory license which provides for the making of the ephemeral phonorecords needed to effectuate the transmission of the sound recordings. 17 U.S.C. 112.

On March 1, 2002, counsel for Sirius Satellite Radio Inc., Clear Channel Communications, Salem Communications Corp., and the National Religious Broadcasters Music License Committee asked the Copyright Office to extend the filing deadline for this proceeding. Subsequently, the Office was notified that the recording industry and the webcasters supported the broadcasters' request for an extension of time. These parties seek an extension for filing the requested comments so that they can engage in detailed discussions concerning the issues raised in the Notice of Proposed Rulemaking.

In recognition of the complexity of the proposed rulemaking and the possibility for productive discussions among interested parties, the Office is extending the period for filing comments and replies in this proceeding. Comments shall be due on April 5, 2002, and reply comments shall be due on Friday, April 26, 2002.

Dated: March 6, 2002.

Marilyn J. Kretsinger,

Assistant General Counsel.

[FR Doc. 02–5738 Filed 3–7–02; 8:45 am]

BILLING CODE 1410–31–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA247–0299; FRL–7149–4]

Revisions to the California State Implementation Plan, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a limited approval and limited disapproval of revisions to the South Coast Air Quality Management District (SCAQMD) portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from several source categories such as aerospace manufacturing and coating, metal parts coating, wood products coating, and fiberglass composite manufacturing. We are proposing action on a local rule, Rule 1132, regulating these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by April 8, 2002.

ADDRESSES: Mail comments to Andy Steckel, Rulemaking Office Chief (AIR–4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

You can inspect copies of the submitted SIP revisions and EPA's technical support documents (TSDs) at our Region IX office during normal business hours. You may also see copies of the submitted SIP revisions at the following locations: California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 ''I'' Street, Sacramento, CA 95814; and, South Coast Air Quality Management District, 21865 East Copley Drive, Diamond Bar, CA 91765–4182.

FOR FURTHER INFORMATION CONTACT: Jerald S. Wamsley, Rulemaking Office (AIR–4), U.S. Environmental Protection Agency, Region IX, (415) 947–4111.

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

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I. The State's Submittal

A. What Rule Did the State Submit?

Table 1 lists the rule addressed by this proposal with the date that it was adopted by the SCAQMD and submitted by the California Air Resources Board (CARB).

TABLE 1.—SUBMITTED RULE

Local agency	Rule No.	Rule title	Adopted	Submitted
SCAQMD	1132	Further Control of VOC Emissions from High-Emitting Spray Booth Facilities.	01/19/01	05/08/01

On July 20, 2001, EPA found this rule submittal met the completeness criteria in 40 CFR Part 51 Appendix V. These criteria must be met before formal EPA review can begin.

B. Are There Other Versions of This Rule?

There is no previous version of Rule 1132 in the SIP and there are no extant submittals of Rule 1132 beyond the submittal in today's action.

C. What Is the Purpose of the Submitted Rule Revisions?

SCAQMD Rule 1132 is a rule designed to reduce volatile organic compound (VOC) emissions at industrial sites engaged high emitting spray booth operations such as aerospace manufacturing facilities, miscellaneous metal parts coating operations, wood products coating operations, and fiberglass composite manufacturing facilities. VOCs are emitted during the preparation and coating of the given substrate, as well as the drying phase of the coating process. Rule 1132 establishes a 65% VOC emission reduction requirement either by add-on controls, by coating formulation, or a combination of either technique. SCAQMD's Rule 1132 includes the following provisions:

—Rule purpose and applicability;
—Definitions of terms used within the rule;
—Emission reduction requirements;
—Alternative compliance plans;
—Compliance schedules;

—Test methods for determining compliance with the rule;
—Record keeping to demonstrate compliance with the rule; and,
—Exemptions from the rule.

The TSD has more information about this rule.

II. EPA's Evaluation and Action

A. How Is EPA Evaluating This Rule?

Generally, SIP rules must be enforceable (see section 110(a) of the Act), must require Reasonably Available Control Technology (RACT) for major sources in nonattainment areas (see section 182(a)(2)(A)), and must not relax existing requirements (see sections 110(l) and 193). The SCAQMD regulates an ozone nonattainment area (see 40 CFR 81), so Rule 1132 must fulfill RACT.

Guidance and policy documents that we used to define specific enforceability and RACT requirements include the following:

1. Portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044, November 24, 1987.

2. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations; Clarification to Appendix D of November 24,1987 **Federal Register** Notice,'' (Blue Book), notice of availability published in the May 25, 1988 **Federal Register**.

B. Does the Rule Meet the Evaluation Criteria?

This rule improves the SIP by seeking additional VOC emission reductions from these high VOC emitting facilities. This rule is mostly consistent with the relevant policy and guidance regarding enforceability, RACT and SIP relaxations. However, there are Rule 1132 provisions which do not meet the evaluation criteria; these provisions are summarized below and discussed further in the TSD.

C. What Are the Rule's Deficiencies?

These provisions conflict with section 110 and part D of the Act and prevent full approval of the SIP revision. In general, Section (d) Alternative Compliance Plans allows for ''director's discretion.'' This section does not specify the emission estimation protocols needed to evaluate alternative compliance plans for compliance with the rule. Specific section (d) provisions are discussed below.

1. Section (d)(1) describes a series of actions that composite manufacturing facilities must comply with as part of submitting an Alternative Compliance Plan. SCAQMD states that these measures can be expected to achieve a facility average of 40% reductions while new techniques are developed by 2004 that will achieve the 65% VOC reduction requirement of the rule. However, the rule needs to specify how compliance with the 65% requirement will be demonstrated.

2. Section (d)(3) does not delimit ''director's discretion'' in any manner. Such discretion should be delimited by emission estimation protocols and specific criteria for judging compliance.

As an alternative to specific estimation protocols and emission factors, Section (d) can be amended to include language specifying EPA review and approval of all alternative compliance plans.

D. EPA Recommendations to Further Improve the Rule

The TSD describes additional rule revisions that do not affect EPA's current action but are recommended for the next time the local agency modifies the rule.

E. Proposed Action and Public Comment

As authorized in sections 110(k)(3) and 301(a) of the Act, EPA is proposing a limited approval of Rule 1132 to improve the SIP. If finalized, this action would incorporate the submitted rules into the SIP, including those provisions identified as deficient. This approval is limited because EPA is simultaneously proposing a limited disapproval of the rules under section 110(k)(3). If this disapproval is finalized, sanctions will be imposed under section 179 of the Act unless EPA approves subsequent SIP revisions that correct the rule deficiencies within 18 months. These sanctions would be imposed according to 40 CFR 52.31. A final disapproval would also trigger the federal implementation plan (FIP) requirement under section 110(c). Note that Rule 1132 has been adopted by the SCAQMD, and EPA's final limited disapproval would not prevent the local agency from enforcing it.

We will accept comments from the public on the proposed limited approval and limited disapproval for the next 30 days.

III. Background Information

A. Why Was This Rule Submitted?

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control VOC emissions. Table 2 lists some of the national milestones leading to the submittal of these local agency VOC rules.

TABLE 2.—OZONE NONATTAINMENT MILESTONES

Date	Event
March 3, 1978	EPA promulgated a list of ozone nonattainment areas under the Clean Air Act as amended in 1977. 43 FR 8964; 40 CFR 81.305.
May 26, 1988	EPA notified Governors that parts of their SIPs were inadequate to attain and maintain the ozone standard and requested that they correct the deficiencies (EPA's SIP—Call). See section 110(a)(2)(H) of the pre-amended Act.
November 15, 1990	Clean Air Act Amendments of 1990 were enacted. Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q.
May 15, 1991	Section 182(a)(2)(A) requires that ozone nonattainment areas correct deficient RACT rules by this date.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866, Regulatory Planning and Review.

B. Executive Order 13211

This proposed rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 Fed. Reg. 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

C. Executive Order 13045

Executive Order 13045, entitled 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 does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13132

Executive Order 13132, entitled Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612, Federalism and 12875, Enhancing the Intergovernmental Partnership. Executive Order 13132 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 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 proposed 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, because it merely acts on a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this proposed rule.

E. Executive Order 13175

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. Thus, Executive Order 13175 does not apply to this rule. In the spirit of Executive Order 13175, and consistent with EPA policy to promote communications between EPA and tribal governments, EPA specifically solicits additional comment on this proposed rule from tribal officials.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements 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 not-for-profit enterprises, and small governmental jurisdictions.

This proposed rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply act on requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

EPA's proposed disapproval of the state request under section 110 and subchapter I, part D of the Clean Air Act does not affect any existing requirements applicable to small entities. Any pre-existing federal requirements remain in place after this disapproval. Federal disapproval of the state submittal does not affect state enforceability. Moreover, EPA's disapproval of the submittal does not impose any new Federal requirements. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA,* 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

G. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the proposed action does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This proposed Federal action acts on pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

H. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical

standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

EPA believes that VCS are inapplicable to today's proposed action because it does not require the public to perform activities conducive to the use of VCS.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compound.

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

Dated: October 4, 2001.

Sally Seymour,

Acting Regional Administrator, Region IX.

[FR Doc. 02–5601 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[IN139–1b; FRL–7155–4]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve, through direct final procedure, a negative declaration submitted by the State of Indiana which indicates there is no need for regulations covering existing Small Municipal Waste Combustors (MWC) in the State. The State's negative declaration regarding this category of sources was submitted in letters dated November 7, 2001, and December 3, 2001, and was based on a systematic search of the State's internal data bases. The intent of the State's action is to satisfy a Federal requirement to develop a plan to control emissions from small MWCs or to declare there are no sources of this type in the State.

In the Final Rules section of this **Federal Register**, EPA is approving the State's negative declaration request as a direct final rule without prior proposal because EPA views this action as noncontroversial and anticipates no adverse comments. The rationale for approval is set forth in the direct final rule. If no written adverse comments are received in response to the direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives meaningful written 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. If no adverse written comments are received, the direct final rule will take effect on the date stated in that document and no further activity will be taken on this proposed rule. Any party interested in commenting on this negative declaration should do so at this time.

DATES: Comments on this action must be received by April 8, 2002.

ADDRESSES: Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. A copy of the State's negative declaration request is available for inspection at the above address.

FOR FURTHER INFORMATION CONTACT: John Paskevicz, Environmental Engineer, Regulation Development Section, Air Programs Branch (AR–18J), USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6084.

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

I. What Actions Are EPA Taking Today?
II. Where Can I Find More Information About This Proposal and Corresponding Direct Final Rule?

I. What Actions Are EPA Taking Today?

The EPA is proposing to approve a negative declaration submitted by the State of Indiana which indicates there is no need for regulations to control emissions from small Minicipal Waste Combustors in the State. The State performed an analysis which shows that there are no small MWCs in Indiana.

II. Where Can I Find More Information About This Proposal and Corresponding Direct Final Rule?

For additional information see the direct final rule published in the rules section of this **Federal Register**.

Authority: 42 U.S.C. 4201–7601q.

Dated: February 28, 2002.

Norman Niedergang,

Acting Regional Administrator, Region 5.

[FR Doc. 02–5599 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[IB Docket No. 02–18, FCC 02–28]

Enforcement of Other Nations' Prohibitions Against the Uncompleted Call Signaling Configuration of International Call-back Service

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document solicits comments on the Commission's international comity-based call-back enforcement policy. The Commission initiated this proceeding because the changes in the international telecommunications market warrant a review of the policy. The Commission believes that this proceeding will promote competition in the international telecommunications market.

DATES: Comments are due on or before April 15, 2002, and reply comments are due on or before May 15, 2002.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 445 12th Street, SW., Room TW–B204F, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Belinda Nixon, International Bureau, (202) 418–1460.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making (NPRM), FCC 02–28, adopted on January 30, 2002, and released on February 13, 2002. The full text of this document is available for inspection and copying during normal business hours in the Office of Media Relations, Reference Operations Division, (Room CY–A257) of the Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. The document is also available for download over the Internet at *http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC–02–28A1.pdf.* The complete text of this document also may be purchased from the Commission's copy contractor, Qualex, Portals II, 445 12th St., SW., Room CY–B402, Washington, DC 20054, telephone (202) 863–2893.

Summary of Notice of Proposed Rulemaking

1. On February 13, 2002, the Commission released a Notice of Proposed Rulemaking (NPRM) to review the Commission's international call-back enforcement policy. International call-back arrangements allow foreign

callers to take advantage of low U.S. international services rates, many of which are significantly lower than the rates available in their home countries. Specifically, the Commission's international call-back policy extends to the uncompleted call signaling configuration of call-back. Uncompleted call signaling involves a foreign caller who dials the call-back provider's switch in the United States, waits a predetermined number of rings, and hangs up before the switch answers. The switch then automatically returns the call, and upon completion, provides the caller in the foreign country with a U.S. dialtone.

2. In a 1994 order, the Commission authorized U.S. carriers to provide call-back service. The Commission determined that international call-back serves the public interest by promoting competition in international markets and could place significant downward pressure on foreign collection rates, to the ultimate benefit of U.S. ratepayers and industry. Additionally, the Commission concluded that the provision of call-back does not violate U.S. law or international law or regulations.

3. On reconsideration, however, the Commission examined the provision of call-back in light of international comity. The Commission concluded in 1995 that the United States should assist in the enforcement of foreign laws that ban call-back. The Commission adopted a policy prohibiting U.S. carriers from offering international call-back using the completed call signaling configuration to countries where it has been expressly prohibited. Foreign governments were invited to notify the Commission of the legality of call-back within their territory. The Commission required that any notification include specific documentation of a legal restriction on international call-back using uncompleted call signaling, evidence of violations by particular carriers, and a description of enforcement measures attempted by that foreign government. The Commission maintains a public file containing the submitted material.

4. Since adopting its call-back policy in 1995, the Commission has taken significant steps to open the U.S. international market to competition and to enhance consumer benefits on U.S. international routes. Also, the global commitment to competition policy has increased dramatically. The Telecommunications Resellers Association (TRA) filed a petition requesting that the Commission adopt an NPRM to review the international call-back policy. In light of these developments and TRA's petition, the Commission initiated this proceeding to review the comity-based call-back policy.

5. Specifically, the Commission seeks comment on whether it should eliminate the existing comity-based prohibitions and thus, discontinue the policy that allows a foreign government or entity to make use of the enforcement mechanisms of the Commission to prohibit the U.S. carriers from offering one form of call-back abroad.

6. The Commission previously declared that ''foreign governments bear the principal responsibility for enforcing their domestic laws, just as our mandate is to implement the statutory requirements of the Communications Act.'' In the Telecommunications Act of 1966, Congress directed the Commission to provide for a pro-competitive deregulatory national framework and mandated that, with respect to domestic markets, no state or local government could prohibit an entity from offering telecommunications services. The NPRM seeks comment on the impact of the 1996 Act on the Commission's comity-based call-back policy.

7. The NPRM describes the Commission's recent initiatives to promote competition in the U.S. market for international services and enhance consumer benefits on U.S. international routes. The NPRM seeks comment on whether the balancing of interests involved in the decision to adopt the call-back policy has shifted. The NPRM concludes that the Commission should have a clear, consistent policy in favor of competition on U.S. international routes and foreign markets. This pro-competitive policy should extend to all forms of call-back. The current comity-based policy may be construed as diminishing the Commission's support for competitive forces. The NPRM seeks comment on whether it is no longer appropriate for the Commission to maintain comity-based prohibitions and engage in enforcement actions in support of foreign laws that serve to restrict competition.

8. The NPRM describes the difficulties of administering the current call-back policy. The Commission believes that eliminating the current policy would not constitute a rejection of the sovereign rights of any foreign government. The Commission does not propose to mandate that a foreign government adopts the Commission's pro-competitive policies. Rather, the NPRM seeks comment on whether we should eliminate the use of the Commission's enforcement mechanisms to restrict competition in the international services market.

9. The Commission believes that its proposal is consistent with the ITU Kyoto Declaration regarding alternative calling mechanism. The ITU Kyoto Declaration directs that a member state should ''take such actions as may be appropriate within the constraints of its national law'' if a carrier subject to its jurisdiction offers call-back in violation of another member state's laws. The Commission emphasizes that it continues to believe that it is in the best interest of U.S. carriers to act in a manner consistent with foreign laws. Therefore, the Commission proposes to continue to maintain a public file to inform call-back providers about the legality of call-back in foreign nations. The NPRM seeks comment on whether, given the 1996 Telecommunications Act's commitment to competition and the Commission's recent policies to promote competitive markets abroad, elimination of the existing policy that allows a foreign government or entity to make use of the enforcement mechanisms of the Commission to prohibit U.S. carriers from offering call-back abroad is an appropriate response within the constrains of U.S. law and therefore is consistence with the ITU declaration.

10. The Commission solicited comments on TRA's request for rulemaking, and it intends to incorporate those comments into this proceeding. (*See* Pleading Cycle Established for Comments on the Telecommunications Resellers Association Petition for Rulemaking Regarding the Commission's International Callback Policy, RM–9249, rel. March 27, 1998.)

11. The Commission believes that call-back service makes international calling more affordable in developing markets, and the NPRM describes the Commission's efforts and participation to reach developing countries. The NPRM seeks comments on what effect changing the Commission's policy would have on the provision of telecom services in developing markets.

12. *Initial Regulatory Flexibility Certification.* As required by the Regulatory Flexibility Act (RFA), 5 U.S.C. 6013612, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, Title II, 110 Stat. 957, requires an initial regulatory flexibility analysis in notice-and-comment proceedings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' The Commission is issuing this NPRM to seek comment on the possible elimination of existing comity-based

prohibitions and removal of the policy that allows a foreign government or entity to use the enforcement mechanisms of the Commission.

The rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' The Commission is issuing this NPRM to seek comment on the possible elimination of existing comity-based prohibitions and removal of the policy that allows a foreign government or entity to use the enforcement mechanisms of the Commission to prohibit U.S. carriers from offering call-back abroad. The proposals do not impose any additional compliance burden on small entities dealing with the Commission. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. Accordingly, we certify, pursuant to section 605(b) of the RFA, that the proposals, if promulgated, would not have a significant economic impact on a substantial number of small business entities, as defined by the RFA. The Commission's Consumer Information Bureau, Reference Information Center, shall send a copy of this Notice, including the Initial Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with section 605(b) of the RFA. This initial certification will also be published in the **Federal Register**.

Ordering Clauses

13. Pursuant to sections 1, 4 (j)(–j), 201(b), 214, 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i)(j), 201(b), 214, 303(r), and 403, this Notice of Proposed Rulemaking *Is hereby adopted.*

14. The Commission's Consumer Information Bureau, Reference Information Center, shall send a copy of this Notice of Proposed Rulemaking, including the regulatory flexibility certification, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 02–5381 Filed 3–7–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[GC Docket No. 02–37; FCC 02–54]

Truthful Statements

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes to amend its regulations relating to the submission of truthful information to the Commission. Under the current rule, Commission regulatees must not, in any written statement submitted to the Commission, make any misrepresentation or willful material omission bearing on any matter within the jurisdiction of the Commission. The item would provide that the rule prohibits incorrect statements or omissions resulting from negligence and not just intentional misrepresentation or lack of candor; make clearer that the rule covers statements made to the Commission in all contexts; include oral statements and not just written statements; and include all persons making statements to the Commission (*e.g.,* including non-regulatees).

DATES: Comments must be filed on or before April 8, 2002; reply comments must be filed on or before April 22, 2002.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW, Room 8–C723, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: David S. Senzel, Office of General Counsel (202) 418–1720.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM), GC Docket No. 2–37, adopted on February 14, 2002, and released February 22, 2002. The full text of the NPRM is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY–A257, Washington, DC 20554. Copies of filings may be purchased from the Commission's copy contractor, Qualex International, Portals II. 445 12th Street, SW, Room CY–B402, Washington, DC 20554, telephone (202) 863–2893, facsimile (202) 863–2898. Filings may also be viewed on the Commission's Internet web site using the Electronic Document Filing System (ECFS) at *http://gullfoss2.fcc.gov/prod/ecfs/comsrch—v2.cgi.*

Summary of Notice of Proposed Rule Making

1. By this notice of proposed rulemaking, we propose to amend § 1.17 of our Rules, 47 CFR 1.17, which relates to the submission of truthful statements to the Commission.

2. In all of our proceedings, the Commission relies heavily on the truthfulness and accuracy of information submitted to us. If information submitted to us is incorrect, we cannot properly carry out our statutory responsibilities. It is our experience that the vast majority of persons dealing with the Commission understand their obligation to take the appropriate steps to ensure that the information they submit is accurate. Nevertheless, we believe that the scope of the current § 1.17 as written may reflect an unduly narrow articulation of the existing obligations of persons dealing with the Commission. It thus may hamper our ability to take enforcement action in those rare cases where persons dealing with the Commission do not exercise the requisite care to ensure that they submit accurate information. Accordingly, we propose to revise § 1.17 as follows: (1) To provide that the rule prohibits incorrect statements or omissions that are the result of an intent to deceive or negligence[1]; (2) to make clearer that the rule covers statements made to the Commission in all contexts; (3) to include oral statements and not just written statements; and (4) to include all persons making statements to the Commission (e.g., including non-regulatees).

3. To implement these changes, we proposed to modify slightly the first sentence of the current rule, which merely codifies existing statutory requirements in §§ 218, 308(b), 403, and other sections of the Act pertaining to the obligation to provide any required information. In addition, we modify the remainder of § 1.17 to set forth the obligation to provide truthful information. By specifying that the rule prohibits both intentional and negligent statements and omissions, the proposed rule better conveys our view that the rule should have a broad scope. Licensees, regulatees, and others are responsible for using their best efforts and exercising care and diligence to ensure that, in all contexts, the information they provide is correct and accurate. Nevertheless, we seek

[1] We have previously held that a violation of the portion of the rule relating to omissions may occur in the absence of an intent to deceive. *See The Curators of the University of Missouri,* 16 FCC Rcd 1174 (2001).

comment on whether certain classes of proceedings (*e.g.,* rulemakings or other non-adjudicatory proceedings not involving specific parties) should be subject to the rule only when deceptive intent is involved and whether persons or entities that are not regulated by the Commission should be subject to the rule only when deceptive intent is involved.

Initial Regulatory Flexibility Certification

4. The Regulatory Flexibility Act of 1980, as amended (see 5 U.S.C. 601 *et seq.*)[2] requires an initial regulatory flexibility analysis in a notice and comment rulemaking proceeding unless we certify that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' 5 U.S.C. 605(b). We believe that the rule we propose today will not have a significant economic impact on a substantial number of small entities.

5. In proposing to expand the scope of 47 CFR 1.17, we are merely requiring persons dealing with the Commission to submit accurate information. The proposed revised rule thus would not impose any significant compliance burden on persons dealing with the Commission, including small entities, or otherwise affect the rights of persons participating in Commission proceedings. The revised rule would simply enable the Commission to impose sanctions more effectively in those instances where people intentionally or negligently submit incorrect information. There is thus no reason to believe that operation of the revised rule would impose significant costs on parties to Commission proceedings.

6. Accordingly, we certify that the rule as proposed will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). The Commission shall send a copy of this Notice of Proposed Rulemaking, including this certification, to the Chief Counsel for Advocacy of the SBA. 5 U.S.C. 605(b). A copy of this certification will also be published in the **Federal Register**. *Id.*

7. This Notice is *Hereby given* of the proposed regulatory changes described above, and that *Comment is Sought* on these proposals.

8. Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested persons *May file* comments on or before April 8, 2002 and reply comments on or before April 22, 2002. Comments may be filed using the Commission's Electronic Comment Filing System or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24,121 (1998). To file by paper, commenters must file an original and four copies of all comments, reply comments, and supporting comments. If commenters want each Commissioner to receive a personal copy of their comments, they must file an original plus nine copies. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. In addition, commenters should file a copy of any such pleadings with the Office of General Counsel, Portals II, 445 12th Street, SW, Room 8–C723, Washington, DC 20554.

9. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY–A257, Washington, DC 20554. Copies of filings may be purchased from the Commission's copy contractor, Qualex International, Portals II. 445 12th Street, SW, Room CY–B402, Washington, DC 20554, telephone (202) 863–2893, facsimile (202) 863–2898. Filings may also be viewed on the Commission's Internet web site using the Electronic Document Filing System (ECFS) at *http://gullfoss2.fcc.gov/prod/ecfs/comsrch—v2.cgi.* Alternative formats (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418–7426 voice, (202) 418–7365 TTY, or *bmillin@fcc.gov.* This NPRM can also be downloaded in Word or ASCII formats at *http://www.fcc.gov/ccb/cpd.*

10. The Commission's Consumer Information Bureau, Reference Information Center, *Shall send* a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure, Radio, Telecommunications, Television.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

For the reasons discussed in the preamble, part 1 of title 47 of the Code of Federal Regulations is proposed to be amended as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. 151, 154(i), 154(j), 155, 225, 303(r), 309, and 325(e).

2. Section 1.17 is revised to read as follows:

§ 1.17 Truthful and accurate statements to the Commission.

(a) The Commission or its representatives may, in writing, require written statements of fact relevant to the determination of any matter within the jurisdiction of the Commission.

(b) No person shall, in any written or oral statement of fact submitted to the Commission, intentionally or negligently provide incorrect material information or intentionally or negligently omit any material information bearing on any matter within the jurisdiction of the Commission.

[FR Doc. 02–5382 Filed 3–7–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 51

[CC Docket No. 98–147; DA 02–506]

Update and Refresh Record on Rules Adopted in 1998 Advanced Services Docket

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document invites comment on the advisability of eliminating, repealing, or amending specific language in the Commission's rules on standards for physical collocation and virtual location. The Commission is taking this action in response to a request by Verizon that the Commission clarify that this rule does not preclude an incumbent LEC from installing a point of termination bay (POT bay) at the point where an incumbent LEC's facilities terminate and a collocator's facilities begin.

[2] See 5 U.S.C. 603. The RFA, see 5 U.S.C. 601 et. seq., has been amended by the Contract With America Advancement Act of 1996, Public Law 104–121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

DATES: Comments are due March 25, 2002 and reply comments are due April 2, 2002.

FOR FURTHER INFORMATION CONTACT: John Adams, Attorney Advisor, Janice Myles, Policy and Program Planning Division, Common Carrier Bureau, (202) 418–1580.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document regarding CC Docket No. 98–147, released on March 4, 2002. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC, and also may be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402 Washington, DC, telephone (202) 863–2893, facsimile (202) 863–2898, or via e-mail *qualex@aolcom.* It is also available on the Commission's website at *http://www.fcc.gov.*

Synopsis

In the *Advanced Services First Report and Order,* the Commission adopted rule 51.323(k)(2), which provides, in pertinent part, that ''[a]n incumbent LEC may not require competitors to use an intermediate interconnection arrangement in lieu of direct connection to the incumbent's network if technically feasible.'' Verizon requests that the Commission clarify that this rule does not preclude an incumbent LEC from installing a POT bay at the point where an incumbent LEC's facilities terminate and a collocator's facilities begin. In order to ensure a complete record regarding this area, the Commission is issuing this Public Notice and inviting comment on whether the Commission should amend or repeal the portion of rule 51.323(k)(2) quoted above. The Commission requests that commenters explain in detail why retention, amendment, or repeal of this rule to allow incumbent LECs to use POT bays when provisioning interconnection would address their concerns.

Federal Communications Commission.

Michelle M. Carey,

Chief, Policy and Program Planning Division, Common Carrier Bureau.

[FR Doc. 02–5663 Filed 3–7–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 76

[MM Docket No. 98–204, DA 02–400]

Revision of Broadcast and Cable EEO Rules and Policies

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment and reply comment period.

SUMMARY: In this document, the Mass Media Bureau (Bureau) partially grants a motion for procedural relief filed by the Minority Media and Telecommunications Council (MMTC) related to proposed rules on new broadcast and cable Equal Employment Opportunity rules and policies. The intended effect is to grant an extension of the comment and reply comments filing deadline and to clarify that the Commission will consider comments previously filed in this docket.

DATES: Comments are due April 15, 2002, and reply comments due May 15, 2002.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Lewis Pulley, EEO Staff, Mass Media Bureau. (202) 418–1450.

SUPPLEMENTARY INFORMATION: 1. This is a synopsis of the Mass Media Bureau's *Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies*, DA 02–400, released February 22, 2002. On December 21, 2001, the Commission released a *Second Notice of Proposed Rule Making*, MM Docket No. 98–204, 67 FR 1704 (January 14, 2002) (*Second NPRM*) requesting comment on various proposals concerning the Commission's broadcast and cable EEO rules and policies. Comment and reply comment deadlines were established for March 15, 2002, and April 15, 2002, respectively.

2. On January 29, 2002, MMTC filed a Motion for Procedural Relief requesting: an extension of time for the filing dates for comments and reply comments; a draft of specified proposed rules; and a clarification that comments filed in the docket prior to the *Second NPRM* will be treated as part of the continuing record in this proceeding.

3. MMTC requests that the Commission extend the comment and reply comment deadlines to April 28, 2002, and May 28, 2002, respectively. Because the Bureau believes that the public interest would be served by an extension of the comment period in this proceeding, we partially grant MMTC's request and extend the date for filing comments to April 15, 2002, and extend the date for filing reply comments to May 15, 2002.

4. The Bureau denies MMTC's request that we issue a draft of specific proposed rules. In releasing the *Second NPRM,* the Commission complied with § 1.413(c) of the Commission's rules, 47 CFR 1.413(c), which indicates that a notice of proposed rule making shall contain ''[e]ither the terms or substance of the proposed rule or a description of the subjects and issues involved.'' Further, MMTC's request conflicts with the Commission's intent to elicit comprehensive comments in this proceeding without limiting the scope of comments to any specified proposal.

5. The Bureau grants MMTC's request that the Commission consider all material placed in the docket at earlier stages of this proceeding as part of the record in the proceedings held pursuant to the *Second NPRM.* We acknowledge MMTC's concern that parties be able to conserve resources by avoiding the need to refile material they previously submitted to the Commission. The Bureau asks that such parties identify the comments, sections and pages upon which they wish to rely, and that they summarize such material in their comments filed in response to the *Second NPRM.*

6. Accordingly, *It is ordered* that the Motion for Procedural Relief filed by MMTC is granted in part and denied in part.

7. *It is therefore ordered* that the date for filing comments and reply comments in this proceeding is extended to April 15, 2002, and May 15, 2002, respectively.

8. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 4(i) and 303(r), and §§ 0.204(b), 0.283 and 1.46 of the Commission's rules, 47 CFR 0.204(b), 0.283 and 1.46.

Federal Communications Commission.

Roy J. Stewart,

Chief, Mass Media Bureau.

[FR Doc. 02–5380 Filed 3–7–02; 8:45 am]

BILLING CODE 6712–01–U

Notices

Federal Register
Vol. 67, No. 46
Friday, March 8, 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

Forest Service

Shady/Highbush Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The Department of Agriculture, Forest Service, will prepare an Environmental Impact Statement (EIS) on a proposal to harvest timber in the Shady Highbush Timber Sale Project area, Wrangell Ranger District, Tongass National Forest. The proposed action is to harvest an estimated 8 million board feet (mmbf) on approximately 500 acres with about 5 miles of new road construction. The range of alternatives being developed to respond to the significant issues, besides no action, will likely be 2–10 million board feet of timber on an estimated 300–800 acres in one or more timber sales. The purpose and need of the timber sale is to: Contribute to the production of a sustained yield of timber and mix of other resource activities from the Tongass National Forest, consistent with Forest Plan Standards and Guidelines; seek to provide a timber supply sufficient to meet the annual and planning cycle market demand for Tongass National Forest timber; provide a diversity of opportunities for resource uses that contribute to the economies of Southeast Alaska; and support a wide range of natural resource employment opportunities within Southeast Alaska's communities. The Tongass Forest Supervisor will decide on whether or not to harvest timber from this area, and if so, how this timber would be harvested. The decision will be documented in a Record of Decision based on the information disclosed in the EIS and the goals, objectives and desired future conditions as stated in the Forest Plan.

DATES: Opportunities for comment are available throughout the process. Individuals interested in receiving a scoping package should contact us within 30 days of the publication of this NOI. Comments will be most helpful if received by March 31, 2002. Additional opportunities for comment will be provided after release of the Draft EIS, anticipated in early summer, 2002.

ADDRESSES: Please send written comments to Wrangell Ranger District; Attn: Shady/Highbush EIS; PO Box 51, Wrangell, AK 99929.

FOR FURTHER INFORMATION CONTACT: Chip Weber, District Ranger, or Randy Hojem, IDT Leader, Wrangell Ranger District, Tongass National Forest, PO Box 51, Wrangell, AK 99929, telephone (907) 874–2323.

SUPPLEMENTARY INFORMATION: The proposed timber harvest is located within Tongass Forest Plan Value Comparison Units 478, 480, 504 and 505 on Wrangell Island, Alaska, Wrangell Ranger District of the Tongass National Forest. Approximately 65% of proposed sale units are located within Inventoried Roadless Areas on Wrangell Island. In 2001, the Secretary of Agriculture began a review of the roadless area rule and the Chief of the Forest Service undertook a review of the road management policy. These reviews have led the agency to initiate several Interim Directives with the intent that the values associated with inventoried roadless areas are fully considered within the context of forest planning. In Sierra Club v. Lyons (J00–0009) (CV)), the US District Court, District of Alaska enjoined the Tongass National Forest from taking any action to change the wilderness character of any eligible roadless area until a supplemental environmental impact statement (SEIS) has been completed. The injunction was lifted and the Forest Service is currently preparing the SEIS to address wilderness recommendations. Planning for the Shady Highbush Timber Sale Project will continue simultaneously and in coordination with the SEIS and meet the requirements in the Interim Directives. The sale is currently listed on the Tongass 10-year action plan to be sold in 2004. The repercussions of delaying the project planning process regarding road building and timber harvest, even for a relatively short period, can have a significant effect on the amount of timber available for sale on the Tongass over the next few years. The Shady Highbush Timber Sale Project is consistent with the 1997 Tongass Land Management Plan.

Public participation will be an integral component of the study process and will be especially important at several points during the analysis. The first is during the scoping process. The Forest Service will be seeking information, comments, and assistance from Tribal Governments, Federal, State, and local agencies, individuals and organizations that may be interested in, or affected by, the proposed activities. The scoping process will include: (1) Identification of potential issues; (2) identification of issues to be analyzed in depth; and, (3) elimination of insignificant issues or those which have been covered by a previous environmental review. Written scoping comments are being solicited through a scoping package that will be sent to the project mailing list. For the Forest Service to best use the scoping input, comments should be received by *March 31, 2002.* Tentative issues identified for analysis in the EIS include the potential effects of the project on and the relationship of the project to: Old-growth ecosystem management and the maintenance of habitat for viable populations of wildlife species, timber sale economics and road construction/access management.

Based on results of scoping and the resource capabilities within the project area, alternatives including a ''no action'' alternative will be developed for the Draft Environmental Impact Statement (Draft EIS). The Draft EIS is projected to be filed with the Environmental Protection Agency (EPA) in the summer of 2002. The Final EIS is anticipated in early 2003.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and

contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553, (1978). Environmental objections that could have been raised at the draft environmental impact statement stage may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F.2nd 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns of the proposed action, comments during scoping and comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points. Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR parts 215 or 217. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Requesters should be aware that, under FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within 7 days.

Permits: Permits required for implementation include the following:

1. U.S. Army Corp of Engineers
   —Approval of discharge of dredged or fill material into the waters of the United States under Section 404 of the Clean Water Act;
   —Approval of the construction of structures or work in navigable waters of the United States under section 10 of the Rivers and Harbors Act of 1899;
2. Environmental Protection Agency
   —National Pollutant Discharge Elimination System (402) Permit;
   —Review Spill Prevention Control and Countermeasure Plan;
3. State of Alaska, Department of Natural Resources
   —Tideland Permit and Lease or Easement;
4. State of Alaska, Department of Environmental Conservation
   —Solid Waste Disposal Permit;
   —Certification of Compliance with Alaska Water Quality Standards (401 Certification)

Responsible Official: Thomas Puchlerz, Forest Supervisor, Tongass National Forest, Federal Building, Ketchikan, Alaska 99901, is the responsible official. The responsible official will consider the comments, response, disclosure of environmental consequences, and applicable laws, regulations, and policies in making the decision and stating the rationale in the Record of Decision.

Dated: February 12, 2002.

Thomas Puchlerz,

Forest Supervisor.

[FR Doc. 02–5518 Filed 3–7–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Idaho Panhandle Resource Advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393) the Idaho Panhandle National Forests' Idaho Panhandle Resource Advisory Committee will meet Friday, March 22, 2002 in Coeur d'Alene, Idaho for a business meeting. The meeting is open to the public.

DATES: March 22, 2002.

ADDRESSES: The meeting location is the Idaho Panhandle National Forests' Supervisor's Office, located at 3815 Schreiber Way, Coeur d'Alene, Idaho 83815.

FOR FURTHER INFORMATION CONTACT: Ranotta K. McNair, Forest Supervisor and Designated Federal Officer, at (208) 765–7369.

SUPPLEMENTARY INFORMATION: Agenda topics include hearing presentations of project proposals, review of project proposals and receiving public comment.

Dated: March 4, 2002.

Pat L. Aguilar,

Deputy Forest Supervisor.

[FR Doc. 02–5564 Filed 3–7–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Trinity County Resource Advisory Committee

AGENCY: Forest Service, USDA Forest Service.

ACTION: Notice of meeting.

SUMMARY: The Trinity County Resource Advisory Committee (RAC) will meet on March 25, 2002 in Weaverville, California. The purpose of the meeting is to discuss the selection of Title II projects under Public Law 106393, H.R. 2389, the Secure Rural Schools and Community Self-Determination Act of 2000, also called the ''Payments to States'' Act.

DATES: The meeting will be held on March 25, 2002 from 6:30 to 8:30 p.m.

ADDRESSES: The meeting will be held at the Trinity County Public Utilities District Conference Room, 26 Ponderosa Lane, Weaverville, California.

FOR FURTHER INFORMATION CONTACT: Joyce Anderson, Designated Federal Official, USDA, Shasta Trinity National Forests, P.O. Box 1190, Weaverville, CA 96093. Phone: (530) 623–1709. Email: *jandersen@fs.fed.us.*

SUPPLEMENTARY INFORMATION: The meeting will focus on developing evaluation criteria for selecting Title II projects. The meeting is open to the public. Public input opportunity will be provided and individuals will have the opportunity to address the committee at that time.

Dated: March 1, 2002.

S.E. 'Lou' Woltering,

Forest Supervisor.

[FR Doc. 02–5565 Filed 3–7–02; 8:45 am]

BILLING CODE 3410–11–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from procurement list.

SUMMARY: The Committee is proposing to add to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete a service previously furnished by such agencies.

Comments Must Be Received on or Before: April 8, 2002.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl Kennerly (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will result in authorizing small entities to furnish the services to the government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-ODay Act (41 U.S.C.46–48c) in connection with the services proposed for addition to the Procurement List. Comments on this certification are invited.

Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Services

Service Type/Location:
Base Supply Center, Individual Equipment Element & HAZMART/, Eglin Air Force Base, Florida.
NPA:
L.C. Industries For The Blind, Inc., Durham, North Carolina.
Contract Activity:
Department of the Air Force.
Service Type/Location:
Janitorial/Custodial/U.S. Army Reserve Center, Galax, Virginia.
NPA: Mount Rogers Community MH–MR Services Board, Wytheville, Virginia.
Contract Activity:
Department of the Army.
Service Type/Location:
Janitorial/Custodial/U.S. Army Reserve Center, Marion, Virginia.
NPA:
Mount Rogers Community MH–MR Services Board, Wytheville, Virginia.
Contract Activity:
Department of the Army.
Service Type/Location:
Mailroom/Communication Center Operation, U.S. Department of Agriculture, Kansas City, Missouri.
NPA:
Independence & Blue Springs Industries, Inc., Independence, Missouri.
Contract Activity:
Department of Agriculture.
Service Type/Location:
Switchboard Operation/Tennessee Valley Healthcare System, Murfreesboro, Tennessee.
NPA:
Prospect Inc., Lebanon, Tennessee.
Contract Activity:
Department of Veterans Affairs.

Deletions

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service to the Government.

2. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-ODay Act (41 U.S.C.46–48c) in connection with the service proposed for deletion from the Procurement List.

The following service is proposed for deletion from the Procurement List:

Service

Service Type/Location:
Vehicle Operation and Maintenance/Travis Air Force Base, Travis AFB, California.
NPA:
PRIDE Industries, Roseville, California.
Contract Activity:
Department of the Air Force.

Sheryl D Kennerly,
Director, Information Management.

[FR Doc. 02–5610 Filed 3–7–02; 8:45 am]
BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: April 8, 2002.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly, (703) 603–7740.

SUPPLEMENTARY INFORMATION: On July 27, August 20 and October 9, 2001, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (66 FR 39142, 42198 and 51371) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will not have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the commodities and services.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-ODay

Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

Accordingly, the following services are added to the Procurement List:

Services

Service Type/Location: Base Supply Center/Naval Air Station, Joint Reserve Base Fort Worth, Texas.
NPA: Tarrant County Association for the Blind, Fort Worth, Texas.
Contract Activity: Department of the Navy.
Service Type/Location: Janitorial/Grounds Maintenance/Ajo Border Patrol Station Ajo, Arizona.
NPA: J.P. Industries, Inc., Tucson, Arizona.
Contract Activity: Immigration and Naturalization Service, DOJ.
Service Type/Location: Janitorial/Grounds Maintenance/Douglas Border Patrol Station, Douglas, Arizona.
NPA: J.P. Industries, Inc., Tucson, Arizona.
Contract Activity: Immigration and Naturalization Service, DOJ.
Service Type/Location: Janitorial/Grounds Maintenance/Sonoita Border Patrol Station, Sonoita, Arizona.
NPA: J.P. Industries, Inc., Tucson, Arizona.
Contract Activity: Immigration and Naturalization Service, DOJ.
Service Type/Location: Janitorial/Grounds Maintenance/Tucson Air Operations, Tucson, Arizona.
NPA: J.P. Industries, Inc., Tucson, Arizona.
Contract Activity: Immigration and Naturalization Service, DOJ.
Service Type/Location: Janitorial/Grounds Maintenance/Tucson Sector HQ (Building 9), Tucson, Arizona.
NPA: J.P. Industries, Inc., Tucson, Arizona.
Contract Activity: Immigration and Naturalization Service, DOJ.
Service Type/Location: Janitorial/Grounds Maintenance/Tucson Sector HQ, Tucson, Arizona.
NPA: J.P. Industries, Inc., Tucson, Arizona.
Contract Activity: Immigration and Naturalization Service, DOJ.
Service Type/Location: Janitorial/Grounds Maintenance/Tucson Station (Silverbell), Tucson, Arizona.
NPA: J.P. Industries, Inc., Tucson, Arizona.
Contract Activity: Immigration and Naturalization Service, DOJ.
Service Type/Location: Janitorial/Grounds Maintenance/Willcox Border Patrol Station, Willcox, Arizona.
NPA: J.P. Industries, Inc., Tucson, Arizona.
Contract Activity: Immigration and Naturalization Service, DOJ.

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 02–5611 Filed 3–7–02; 8:45 am]

BILLING CODE 6353–01–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Proposed Addition; Correction

In the document appearing on page 9436, FR Doc. 02-4918, in the issue of March 1, 2002, in the third column the Committee published a notice of proposed addition to the Procurement List of, among other things, Janitorial/Custodial, Ronald Reagan Building, International Trade Center, Washington, DC. This notice is amended to include ''At the Federal Tenant Spaces Only'', which was omitted from original notice.

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 02–5612 Filed 3–7–02; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

[I.D. 030502A]

Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Deep Seabed Mining Regulations for Exploration Licenses.

Form Number(s): None.

OMB Approval Number: 0648–0145.

Type of Request: Regular submission.

Burden Hours: 40.

Number of Respondents: 2.

Average Hours Per Response: 20.

Needs and Uses: The Deep Seabed Hard Mineral Resources Act requires applicants for an exploration license to submit information for NOAA to make a determination as to the applicants eligibility to meet the provisions of the legislation. Information will be used to determine the financial, environmental and technological eligibility of the applicant to meet the requirements of the Act to conduct exploration activities. Licensees are required to submit annual reports.

Affected Public: Business or other for-profit organizations.

Frequency :Annually, recordkeeping

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Madeleine Clayton, Departmental Paperwork Clearance Officer, (202) 482–3129, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at MClayton@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: February 28, 2002.

Madeleine Clayton,

Departmental Paperwork Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 02–5620 Filed 3–7–02; 8:45 am]

BILLING CODE 3510–08–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–806]

Silicon Metal from Brazil; Notice of Amended Final Results of Antidumping Duty Administrative Review Pursuant to Final Court Decision

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of amended final results of antidumping duty administrative review pursuant to final court decision.

EFFECTIVE DATE: March 8, 2002.

FOR FURTHER INFORMATION CONTACT: James Doyle, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0159.

SUMMARY: The United States Court of International Trade (''the CIT'') has affirmed the Department of Commerce's final remand results affecting final assessment rates for the administrative review of the antidumping duty order of silicon metal from Brazil. The period of review is March 29, 1991, through June 30, 1992. As there is now a final and conclusive court decision in this case, we are amending our final results of review and we will instruct the Customs Service to liquidate entries subject to this review.

SUPPLEMENTARY INFORMATION:

Background

On July 31, 1991, the Department published the antidumping duty order on silicon metal from Brazil. See

Antidumping Duty Order: Silicon Metal from Brazil, 56 FR 36135 (July 31, 1991). On August 19, 1994, the Department published its final results of the first administrative review of silicon metal from Brazil. See Final Results of Antidumping Duty Administrative Review on Silicon Metal from Brazil, 59 FR 42806 (August 19, 1994) (''Final Results''). On May 15, 1997, pursuant to the Department's request, the CIT issued an order remanding eight issues from the Final Results. See American Silicon Technologies et. al v. United States, 21 CIT 501 (1997). The CIT directed the Department to: (1) correctly calculate the general, selling, and administrative (''GS&A'') expenses for Eletrosilex Belo Horizonte (''Eletrosilex'') for the month in question; (2) calculate G&A expenses using Eletrosilex's historical cost of manufacture (''COM'') data; (3) calculate the U.S. packing expenses for Companhia Ferroligas Minas Gerais–Minasligas (''Minasligas''), removing the U.S. dollar exchange rate; (4) calculate imposto sobre a circulacao de mercadorias e servicos (''ICMS'') and imposto sobre produtos industrialzados (''IPS'') taxes Minasligas paid on imported electrodes removing the duty drawback adjustment; (5) recalculate the interest rate for U.S. dollar receivables for Minasligas; (6) review the calculated margin for Eletrosilex that compared United States (''USP'') to constructed value (''CV'') for a month other than the month of shipment; (7) review the use of projected costs rather than replacement costs in determining Eletrosilex's CV; and (8) review the adjustment of Minasligas' interest expenses for monetary correction of loans. The CIT stayed further action on three other issues pending the results of related litigation. On November 14, 1997, for the aforementioned eight issues, we provided the CIT with our final results of redetermination pursuant to court remand. See Silicon Metal from Brazil, Final Results of Redetermination Pursuant to Court Remand Court No. 94–09–0055 (''American Silicon Remand I''). In the remand redetermination the Department recalculated: 1) Eletrosilex's GS&A expenses using the GS&A expenses and historical COM incurred by Eletrosilex during an entire year; 2) the U.S. packing expenses for Minasligas, removing the U.S. dollar exchange rate; 3) the IPI and ICMS taxes Minasligas paid on imported electrodes removing the duty drawback adjustment; 4) Minasligas' U.S. credit expenses by using the actual U.S. credit expenses incurred by Minasligas; 5) Eletrosilex's CV to account for the effect of inflation; and 6) Eletrosilex's CV based on the replacement costs incurred by Eletrosilex. We determined that our adjustment for Minasligas' interest expense was appropriate. After the initial remand results were issued, the Court, on motion of the Department, ordered a second remand on whether data from the audited financial statements of Electrosilex should be utilized in calculating Eletrosilex's GS&A expenses. See American Silicon Technologies et. al v. United States, 22 CIT 128 (1998). On January 29, 1999, for the aforementioned one issue, we provided the CIT with our final results of redetermination pursuant to court remand. See Silicon Metal from Brazil, Final Results of Redetermination Pursuant to Court Remand, American Silicon Technologies v. United States, Court No. 94–09–00555, Slip Op. 98–22 (March 5, 1998) (''American Silicon Remand II''). In our redetermination, we recalculated Eletrosilex's GS&A expenses based upon Eletrosilex's audited financials. Upon review, the CIT sustained American Silicon Remand I and American Silicon Remand II and lifted the stay on the remaining three issues. See American Silicon Technologies et. al v. United States, No. 94–09–00555, Slip Op. 99–94 (Ct. Int'l Trade Sept. 9, 1999).

Of the remaining three issues, one was dismissed pursuant to the unopposed motion of the plaintiff. See American Silicon Technologies et. al v. United States, 118 F. Supp. 2d 1329, 1333 (CIT 2000). Pursuant to the Court orders of October 13, 2000, and January 24, 2001, we recalculated: 1) Companhia Brasileira Carbureto de Calcio's (''CBCC'') financial expense by using as best information available its parent company's gross, rather than net, financial expenses; and 2) CBCC's and Minasligas' CV to include the ICMS and IPI paid by CBCC and Minasligas pursuant to the CIT's instructions to proceed consistent with Camargo Correa Metais, S.A. v. United States, 200 F. 3d 771 (Fed. Cir. 1999). See Silicon Metal From Brazil, Final Results of Redetermination Pursuant To Court Remand, American Silicon Technologies et. al vs. United States, 118 F. Supp. 2d 1329, Court No. 94–09–00555, Slip Op. 2000–130 (CIT October 13, 2000) (''American Silicon Remand III''), filed on March 12, 2001. Upon review, the Court sustained American Silicon Remand III. See American Silicon Technologies et. al v. United States, No. 94–09–00555, Slip Op. 01–90 (Ct. Int'l Trade July 27, 2001) (''Slip Op. 01–90'').

Slip Op. 01–90 was not appealed. As there is a final and conclusive court decision in this case, we are amending our final results of review for the period March 29, 1991 through June 30, 1992, and we will instruct the Customs Service to liquidate entries subject to this review.

The revised weighted–average percentage margins are as follows:

Manufacturer/ exporter	Margin (percent)
CBCC	0.42
Eletrosilex	53.63
Minasligas	48.48

Accordingly, the Department will determine, and the Customs Service will assess, antidumping duties on all appropriate entries of subject merchandise in accordance with these amended final results. For assessment purposes, we have calculated importer–specific duty assessment rates for each class or kind of merchandise based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total quantity of sales examined. For companies covered by these amended results, the Department will issue appraisement instructions to the Customs Service after publication of this amended final results of review. This notice is published in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 351.221.

March 4, 2002

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 02–5658 Filed 3–7–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–601]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Final Results of New Shipper Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of new shipper reviews of tapered roller bearings and parts thereof, finished and unfinished, from the People's Republic of China.

SUMMARY: In response to requests from Peer Bearing Company – Changshan and Yantai Timken Company Limited, the Department of Commerce is conducting new shipper reviews of the antidumping

duty order on tapered roller bearings and parts thereof, finished and unfinished, from the People's Republic of China. These reviews cover these companies' entries of tapered roller bearings and parts thereof, finished and unfinished, to the United States during the period June 1, 2000 through November 30, 2000 for Yantai Timken Company Limited and June 1, 2000 through January 31, 2001 for Peer Bearing Company – Changshan.

We have determined that, during the periods of review, only Peer Bearing Company – Changshan made sales below normal value. Based on our review of comments received and a reexamination of surrogate value data, we have made certain changes in the margin calculations of the reviewed companies. Consequently, the final results differ from the preliminary results. The final weighted–average dumping margins for these firms are listed below in the section entitled ''Final Results of the New Shipper Reviews.'' Based on these final results of review, we will instruct the Customs Service to assess antidumping duties based on the difference between the export price and normal value on all appropriate entries.

EFFECTIVE DATE: March 8, 2002.

FOR FURTHER INFORMATION CONTACT: Jarrod Goldfeder or Anthony Grasso, Group 1, Office I, Antidumping/Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone (202) 482–0189 or (202) 482–3853, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

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 (''URAA''). In addition, unless otherwise indicated, all citations to the Department of Commerce's (''the Department'') regulations are to 19 CFR Part 351 (2001).

Background

On November 20, 2001, the Department issued the preliminary results of these new shipper reviews of tapered roller bearings and parts thereof, finished and unfinished (''TRBs'') from the People's Republic of China (''PRC''). See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Preliminary Results of New Shipper Reviews, 66 FR 59569 (November 29, 2001) (''Preliminary Results''). These new shipper reviews cover Yantai Timken Company Limited (''Yantai Timken'') and Peer Bearing Company – Changshan (''CPZ''). The periods of review (''PORs'') are (1) for Yantai Timken, June 1, 2000 through November 30, 2000, and (2) for CPZ, June 1, 2000 through January 31, 2001. See Preliminary Results, 66 FR at 59569.

We invited parties to comment on the Preliminary Results. On January 18, 2002, we received case briefs from the Timken Company (''the petitioner'' or ''Timken''), Yantai Timken, and CPZ. On January 25, 2002, these parties all filed rebuttal briefs. At the request of Yantai Timken and CPZ, we held a hearing on January 31, 2002.

On February 19, 2002, we postponed the final results to not later than March 5, 2002, in accordance with section 751(a)(2)(B)(iv) of the Act. See 67 FR 8937 (February 27, 2002).

Scope of the Order

Merchandise covered by this order includes tapered roller bearings and parts thereof, finished and unfinished, from the People's Republic of China (''PRC''); flange, take up cartridge, and hanger units incorporating tapered roller bearings; and tapered roller housings (except pillow blocks) incorporating tapered rollers, with or without spindles, whether or not for automotive use. This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (''HTSUS'') item numbers 8482.20.00, 8482.91.00.50, 8482.99.30, 8483.20.40, 8483.20.80, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.80, 8708.99.80.15, and 8708.99.80.80. Although the HTSUS item numbers are provided for convenience and customs purposes, the written description of the scope of the order and this review is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to these new shipper reviews are addressed in the ''Issues and Decision Memorandum'' (''Decision Memo'') from Richard W. Moreland, Deputy Assistant Secretary, Import Administration, to Faryar Shirzad, Assistant Secretary for Import Administration, dated February 19, 2002, which is hereby adopted by this notice. A list of the issues that parties have raised and to which we have responded, all of which are in the Decision Memo, is attached to this notice as an Appendix. Parties can 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 Department building. In addition, a complete version of the Decision Memo can be accessed directly on the Web at http://ia.ita.doc.gov/frn/summary/list.htm. The paper copy and electronic version of the Decision Memo are identical in content.

Changes Since the Preliminary Results

Based on our review of comments received and a reexamination of surrogate value data, we have made certain changes to the calculations for the final results. These changes are discussed in the Decision Memo or in the referenced final calculation memoranda for particular companies:

Both Companies

In the Preliminary Results, we adjusted the Japanese export data used to value the cup and cone steel inputs in order to reflect Indian imported steel values, which would assuredly include movement expenses. For the final results, we calculated a value for ocean freight for shipments made between Japan and India based on November 2001 rate quotes from Maersk Inc. submitted by Yantai Timken in its 20–day factual submission made on January 10, 2002. We adjusted this data to account for the marine insurance costs excluded from the rate quote and to make it contemporaneous with the current PORs. See Decision Memo, Comment 4.

From the Indian import data used to calculate the surrogate value used for pallets, we omitted those countries that had imports of small quantities. See Decision Memo, Comment 3.

Yantai Timken

For the final results, we relied upon Yantai Timken's submitted databases that reflect changes it made based on our findings at the U.S. verification of Yantai Timken's questionnaire response.

CPZ

For the final results, we corrected the calculation of CPZ's inventory carrying costs in order to reflect the revised short–term interest rate, as noted in the memorandum to John Brinkmann, ''Peer Bearing Company – Changshan Verification Report,'' dated October 3, 2001. Also, we revised upwards CPZ's reported U.S. indirect selling expense ratio to account for administrative expenses. See Decision Memo, Comment 5.

Final Results of the New Shipper Reviews

We determine that the following dumping margins exist for the periods June June 1, 2000 through November 30, 2000 for Yantai Timken, and June 1, 2000 through January 1, 2001 for CPZ:

Exporter/ manufacturer	Weighted–average margin percentage
CPZ	12.25
Yantai Timken	0

Assessment Rates

Pursuant to 19 CFR 351.212(b), the Department calculates an assessment rate for each importer of the subject merchandise. Because certain importer–specific assessment rates calculated in these final results are above de minimis (i.e., at or above 0.5 percent), the Department will issue appraisement instructions directly to the Customs Service to assess antidumping duties on appropriate entries by applying the assessment rate to the entered value of the merchandise. For assessment purposes, we calculate importer–specific assessment rates for the subject merchandise by aggregating the dumping duties due for all U.S. sales to each importer and dividing the amount by the total entered value of the sales to that importer.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of these new shipper reviews for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) for the PRC companies named above, the cash deposit rates will be the rates for these firms established in the final results of this review, except that, for exporters with de minimis rates (i.e., less than 0.5 percent) no deposit will be required; (2) for previously–reviewed PRC and non–PRC exporters with separate rates, the cash deposit rate will be the company–specific rate established for the most recent period during which they were reviewed; (3) for all other PRC exporters, the rate will be the PRC country–wide rate, which is 33.18 percent; and (4) for all other non–PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding APOs

This notice also serves as a reminder to parties subject to administrative protective orders (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.We are issuing and publishing this determination and notice in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act.

February 28, 2002

Faryar Shirzad,

Assistant Secretary for Import Administration.

APPENDIX

List of Comments and Issues in the Decision Memorandum

Comment 1: Market Economy Steel Values

Comment 2:Rescission of Yantai Timken's New Shipper Review

Comment 3: Surrogate Value for Pallets and Other Factors

Comment 4: Adding Ocean Freight and Marine Insurance to the Japanese Exports to India Data

Comment 5: CPZ's Indirect Selling Expenses

Comment 6: CPZ's Post–Sale Warehousing Expenses

Comment 7: Price of CPZ's Sample Sale

Comment 8: CPZ's Credit Expense

Comment 9: CPZ's Inventory Carrying Cost

[FR Doc. 02–5659 Filed 3–7–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–854]

Certain Tin Mill Products From Japan: Preliminary Results of Changed Circumstances Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Preliminary Results of Changed Circumstances Review and Intent to Revoke in Part the Antidumping Duty Order.

SUMMARY: On January 25, 2002, the Department of Commerce (''the Department'') published a notice of initiation of a changed circumstances review with the intent to revoke, in part, the antidumping duty order on certain tin mill products from Japan with respect to certain tin–free steel as described below. See Certain Tin Mill Products From Japan: Notice of Initiation of Changed Circumstances Review of the Antidumping Order, 67 FR 3686 (January 25, 2002) (''Initiation Notice''). In our Initiation Notice we invited interested parties to comment; however, we did not receive any comments. We now preliminarily revoke this order, in part, with respect to future entries of certain tin–free steel described below, based on the fact that domestic parties have expressed no interest in the continuation of the order with respect to these particular tin–free steel products.

EFFECTIVE DATE: March 8, 2002.

FOR FURTHER INFORMATION CONTACT: Michael Ferrier, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–1394.

THE APPLICABLE STATUTE AND REGULATIONS

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930, as amended (''the Act''), by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations as codified at 19 C.F.R. Part 351 (2001).

SUPPLEMENTARY INFORMATION:

Background

On August 28, 2000, the Department published in the Federal Register the

antidumping duty order on certain tin mill products from Japan. See Notice of Antidumping Duty Order: Certain Tin Mill Products from Japan 65 FR 52067 (August 28, 2000) (TMP Order). On December 3, 2001, Okaya (U.S.A.), Inc. (''Okaya''), a U.S. importer requested that the Department revoke in part the antidumping duty order on certain tin mill products from Japan. Okaya also requested that the partial revocation apply retroactively for all unliquidated entries. Specifically, the U.S. importer requested that the Department revoke the order with respect to imports meeting the following specifications: Steel coated with a metallic chromium layer between 100–200 mg/m^2 and a chromium oxide layer between 5–30 mg/m^2; chemical composition of 0.05% maximum carbon, 0.03% maximum silicon, 0.60% maximum manganese, 0.02% maximum phosphorous, and 0.02% maximum sulfur; magnetic flux density (''Br'') of 10 kg minimum and a coercive force (''Hc'') of 3.8 Oe minimum. The U.S. importer indicated that, based on its consultations with domestic producers, the domestic producers lack interest in producing this specialized product.

On January 16, 2002, Weirton Steel, the only petitioner producer in the underlying investigation filed a letter stating that they did not object to the exclusion of this product from the order. Weirton Steel, a domestic producer of tin mill products, together with the Independent Steelworkers Union and the United Steelworkers of America, AFL–CIO, were the petitioners in the underlying sales at less–than–fair–value investigation (see TMP Order). The Department noted that Weirton Steel is a producer of tin mill products, but individually does not account for substantially all of the production of the domestic like product. See Certain Tin Mill Products From Japan: Final Results of Changed Circumstances Review, 66 FR 52109 (October 12, 2001). However, the Department had no information on the record that the other known domestic producers of tin mill products, Bethlehem Steel Corp., National Steel Corp., Midwest Division, Ohio Coatings Co., U.S. Steel Group, a Unit of USX Corp., and USS–Posco Industries, Inc., had no interest in maintaining the antidumping duty order with respect to certain tin–free steel described in Okaya's request. Therefore, we did not combine this initiation with the preliminary determination, which is our normal practice under section 351.221(c)(3)(ii). On January 25, 2002, the Department published a notice of initiation of a changed circumstances review of the antidumping duty order on certain tin mill products from Japan with respect to certain tin–free steel. See Initiation Notice. In the Initiation Notice, we indicated that interested parties could submit comments for consideration in the Department's preliminary results not later than 20 days after publication of the initiation of the review, and submit responses to those comments no later than 10 days following the submission of comments. We did not receive any comments.

Scope of Review

The products covered by this antidumping order are tin mill flat–rolled products that are coated or plated with tin, chromium or chromium oxides. Flat–rolled steel products coated with tin are known as tin plate. Flat–rolled steel products coated with chromium or chromium oxides are known as tin–free steel or electrolytic chromium–coated steel. The scope includes all the noted tin mill products regardless of thickness, width, form (in coils or cut sheets), coating type (electrolytic or otherwise), edge (trimmed, untrimmed or further processed, such and scroll cut), coating thickness, surface finish, temper, coating metal (tin, chromium, chromium oxide), reduction (single– or double–reduced), and whether or not coated with a plastic material. All products that meet the written physical description are within the scope of this order unless specifically excluded. The following products, by way of example, are outside and/or specifically excluded from the scope of this order:

– Single reduced electrolytically chromium coated steel with a thickness 0.238 mm (85 pound base box) (#10%) or 0.251 mm (90 pound base box) (#10%) or 0.255 mm (#10%) with 770 mm (minimum width) (#1.588 mm) by 900 mm (maximum length if sheared) sheet size or 30.6875 inches (minimum width) (# 1/16 inch) and 35.4 inches (maximum length if sheared) sheet size; with type MR or higher (per ASTM) A623 steel chemistry; batch annealed at T2 1/2 anneal temper, with a yield strength of 31 to 42 kpsi (214 to 290 Mpa); with a tensile strength of 43 to 58 kpsi (296 to 400 Mpa); with a chrome coating restricted to 32 to 150 mg/m^2; with a chrome oxide coating restricted to 6 to 25 mg/m^2 with a modified 7B ground roll finish or blasted roll finish; with roughness average (Ra) 0.10 to 0.35 micrometers, measured with a stylus instrument with a stylus radius of 2 to 5 microns, a trace length of 5.6 mm, and a cut–off of 0.8 mm, and the measurement traces shall be made perpendicular to the rolling direction; with an oil level of 0.17 to 0.37 grams/base box as type BSO, or 2.5 to 5.5 mg/m^2 as type DOS, or 3.5 to 6.5 mg/m^2 as type ATBC; with electrical conductivity of static probe voltage drop of 0.46 volts drop maximum, and with electrical conductivity degradation to 0.70 volts drop maximum after stoving (heating to 400 degrees F for 100 minutes followed by a cool to room temperature).

– Single reduced electrolytically chromium–or tin–coated steel in the gauges of 0.0040 inch nominal, 0.0045 inch nominal, 0.0050 inch nominal, 0.0061 inch nominal (55 pound base box weight), 0.0066 inch nominal (60 pound base box weight), and 0.0072 inch nominal (65 pound base box weight), regardless of width, temper, finish, coating or other properties.

– Single reduced electrolytically chromium coated steel in the gauge of 0.024 inch, with widths of 27.0 inches or 31.5 inches, and with T–1 temper properties.

– Single reduced electrolytically chromium coated steel, with a chemical composition of 0.005% max carbon, 0.030% max silicon, 0.25% max manganese, 0.025% max phosphorous, 0.025% max sulfur, 0.070% max aluminum, and the balance iron, with a metallic chromium layer of 70–130 mg/m^2, with a chromium oxide layer of 5–30 mg/m^2 , with a tensile strength of 260–440 N/mm^2, with an elongation of 28–48%, with a hardness (HR–30T) of 40–58, with a surface roughness of 0.5–1.5 microns Ra, with magnetic properties of Bm (KG)10.0 minimum, Br (KG) 8.0 minimum, Hc (Oe) 2.5–3.8, and MU 1400 minimum, as measured with a Riken Denshi DC magnetic characteristic measuring machine, Model BHU–60.

– Bright finish tin–coated sheet with a thickness equal to or exceeding 0.0299 inch, coated to thickness of 3/4 pound (0.000045 inch) and 1 pound (0.00006 inch).

– Electrolytically chromium coated steel having ultra flat shape defined as oil can maximum depth of 5/64 inch (2.0 mm) and edge wave maximum of 5/64 inch (2.0 mm) and no wave to penetrate more than 2.0 inches (51.0 mm) from the strip edge and coilset or curling requirements of average maximum of 5/64 inch (2.0 mm) (based on six readings, three across each cut edge of a 24 inches (61 cm) long sample with no single reading exceeding 4/32 inch (3.2 mm) and no more than two readings at 4/32 inch (3.2 mm)) and (for 85 pound base box item only: crossbuckle maximums of 0.001 inch (0.0025 mm) average having no reading above 0.005 inch (0.127 mm)), with a camber maximum of 1/4 inch (6.3 mm)

per 20 feet (6.1 meters), capable of being bent 120 degrees on a 0.002 inch radius without cracking, with a chromium coating weight of metallic chromium at 100 mg/m² and chromium oxide of 10 mg/m², with a chemistry of 0.13% maximum carbon, 0.60% maximum manganese, 0.15% maximum silicon, 0.20% maximum copper, 0.04% maximum phosphorous, 0.05% maximum sulfur, and 0.20% maximum aluminum, with a surface finish of Stone Finish 7C, with a DOS–A oil at an aim level of 2 mg/square meter, with not more than 15 inclusions/foreign matter in 15 feet (4.6 meters) (with inclusions not to exceed 1/32 inch (0.8 mm) in width and 3/64 inch (1.2 mm) in length), with thickness/temper combinations of either 60 pound base box (0.0066 inch) double reduced CADR8 temper in widths of 25.00 inches, 27.00 inches, 27.50 inches, 28.00 inches, 28.25 inches, 28.50 inches, 29.50 inches, 29.75 inches, 30.25 inches, 31.00 inches, 32.75 inches, 33.75 inches, 35.75 inches, 36.25 inches, 39.00 inches, or 43.00 inches, or 85 pound base box (0.0094 inch) single reduced CAT4 temper in widths of 25.00 inches, 27.00 inches, 28.00 inches, 30.00 inches, 33.00 inches, 33.75 inches, 35.75 inches, 36.25 inches, or 43.00 inches, with width tolerance of # 1/8 inch, with a thickness tolerance of #0.0005 inch, with a maximum coil weight of 20,000 pounds (9071.0 kg), with a minimum coil weight of 18,000 pounds (8164.8 kg) with a coil inside diameter of 16 inches (40.64 cm) with a steel core, with a coil maximum outside diameter of 59.5 inches (151.13 cm), with a maximum of one weld (identified with a paper flag) per coil, with a surface free of scratches, holes, and rust.

– Electrolytically tin coated steel having differential coating with 1.00 pound/base box equivalent on the heavy side, with varied coating equivalents in the lighter side (detailed below), with a continuous cast steel chemistry of type MR, with a surface finish of type 7B or 7C, with a surface passivation of 0.7 mg/square foot of chromium applied as a cathodic dichromate treatment, with coil form having restricted oil film weights of 0.3–0.4 grams/base box of type DOS–A oil, coil inside diameter ranging from 15.5 to 17 inches, coil outside diameter of a maximum 64 inches, with a maximum coil weight of 25,000 pounds, and with temper/coating/dimension combinations of : (1) CAT 4 temper, 1.00/.050 pound/base box coating, 70 pound/base box (0.0077 inch) thickness, and 33.1875 inch ordered width; or (2) CAT5 temper, 1.00/0.50 pound/base box coating, 75 pound/base box (0.0082 inch) thickness, and 34.9375 inch or 34.1875 inch ordered width; or (3) CAT5 temper, 1.00/0.50 pound/base box coating, 107 pound/base box (0.0118 inch) thickness, and 30.5625 inch or 35.5625 inch ordered width; or (4) CADR8 temper, 1.00/0.50 pound/base box coating, 85 pound/base box (0.0093 inch) thickness, and 35.5625 inch ordered width; or (5) CADR8 temper, 1.00/0.25 pound/base box coating, 60 pound/base box (0.0066 inch) thickness, and 35.9375 inch ordered width; or (6) CADR8 temper, 1.00/0.25 pound/base box coating, 70 pound/base box (0.0077 inch) thickness, and 32.9375 inch, 33.125 inch, or 35.1875 inch ordered width.

– Electrolytically tin coated steel having differential coating with 1.00 pound/base box equivalent on the heavy side, with varied coating equivalents on the lighter side (detailed below), with a continuous cast steel chemistry of type MR, with a surface finish of type 7B or 7C, with a surface passivation of 0.5 mg/square foot of chromium applied as a cathodic dichromate treatment, with ultra flat scroll cut sheet form, with CAT 5 temper with 1.00/0.10 pound/base box coating, with a lithograph logo printed in a uniform pattern on the 0.10 pound coating side with a clear protective coat, with both sides waxed to a level of 15–20 mg/216 sq. in., with ordered dimension combinations of (1) 75 pound/base box (0.0082 inch) thickness and 34.9375 inch x 31.748 inch scroll cut dimensions; or (2) 75 pound/base box (0.0082 inch) thickness and 34.1875 inch x 29.076 inch scroll cut dimensions; or (3) 107 pound/base box (0.0118 inch) thickness and 30.5625 inch x 34.125 inch scroll cut dimension.

The merchandise subject to this order is classified in the Harmonized Tariff Schedule of the United States (''HTSUS''), under HTSUS subheadings 7210.11.0000, 7210.12.0000, 7210.50.0000, 7212.10.0000, and 7212.50.0000 if of non–alloy steel and under HTSUS subheadings 7225.99.0090, and 7226.99.0000 if of alloy steel. Although the subheadings are provided for convenience and Customs purposes, our written description of the scope of this review is dispositive.

Preliminary Results of Review and Intent to Revoke in Part the Antidumping Duty Order

Pursuant to sections 751(d)(1) of the Act, the Department may revoke an antidumping or countervailing duty order, in whole or in part, based on a review under section 751(b) of the Act (i.e., a changed circumstances review). Section 751(b)(1) of the Act requires a changed circumstances review to be conducted upon receipt of a request which shows changed circumstances sufficient to warrant a review. Section 351.222(g) of the Department's regulations provides that the Department will conduct a changed circumstances administrative review under 19 C.F.R. 351.216, and may revoke an order (in whole or in part), if it determines that (i) producers accounting for substantially all of the production of the domestic like product to which the order pertains have expressed a lack of interest in the relief provided by the order, in whole or in part, or (ii) if other changed circumstances sufficient to warrant revocation exist. To the Department's knowledge the following are U.S. producers of tin mill products: Bethlehem Steel Corp., National Steel Corp., Midwest Division, Ohio Coatings Co., U.S. Steel Group, a Unit of USX Corp., and USS–Posco Industries, Inc. Since the Department did not receive any comments during the comment period, the Department is preliminarily revoking the order on certain tin mill products from Japan in part for all future entries with regard to the products which meet the specifications above.

Interested parties wishing to comment on these results may submit briefs to the Department no later than 14 days after the publication of this notice in the Federal Register. Parties will have five days subsequent to this due date to submit rebuttal comments, limited to

The issues raised in those comments. Parties who submit comments or rebuttal comments in this proceeding are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument (no longer than five pages, including footnotes). Any requests for hearing must be filed within 14 days of the publication of this notice in the Federal Register.

All written comments must be submitted in accordance with 19 CFR 351.303, and must be served on all interested parties on the Department's service list. The Department will also issue its final results of review within 270 days after the date on which the changed circumstances review is initiated, in accordance with 19 CFR 351.216(e), and will publish these results in the Federal Register. While the changed circumstances review is underway, the current requirement for a cash deposit of estimated antidumping duties on all subject merchandise, including the merchandise that is the subject of this changed circumstances

review, will continue unless and until it is modified pursuant to the final results of this changed circumstances review or an administrative review.

This notice is in accordance with sections 751(b)(1) and 777(i)(1) of the Act and 19 CFR 351.216 and 351.222.

March 4, 2002

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 02–5660 Filed 3–7–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[C–475–830]

Countervailing Duty Order: Stainless Steel Bar From Italy

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of countervailing duty order.

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Suresh Maniam at (202) 482–0176; Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the ''Act'') by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce's (the ''Department'') regulations are references to the provisions codified at 19 CFR part 351 (April 2000).

Scope of Order

For purposes of this order, the term ''stainless steel bar'' includes articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons, or other convex polygons. Stainless steel bar includes cold-finished stainless steel bars that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut length flat-rolled products (*i.e.*, cut length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), products that have been cut from stainless steel sheet, strip or plate, wire (*i.e.*, cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes and sections.

The stainless steel bar subject to this order is currently classifiable under subheadings 7222.11.00.05, 7222.11.00.50, 7222.19.00.05, 7222.19.00.50, 7222.20.00.05, 7222.20.00.45, 7222.20.00.75, and 7222.30.00.00 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

Countervailing Duty Order

On January 23, 2002, the Department published in the **Federal Register** the Final Affirmative Countervailing Duty Determination: Stainless Steel Bar from Italy, 67 FR 3163 (January 23, 2002).

On February 28, 2002, in accordance with section 705(d) of the Act, the U.S. International Trade Commission notified the Department that a U.S. industry is ''materially injured,'' within the meaning of section 705(b)(1)(A)(i) of the Act, by reason of imports of stainless steel bar from Italy.

Therefore, in accordance with section 706(a)(1) of the Act, the Department will direct the Customs Service to assess, upon further advice by the Department, countervailing duties equal to the amount of the net countervailable subsidy determined to exist for entries of stainless steel bar from Italy, except for subject merchandise both produced and exported by Acciaierie Valbruna S.p.A. (''Valbruna''), Acciaiera Foroni S.p.A. (''Foroni''), Trafilerie Bedini, S.r.l. (''Bedini''), Italfond S.p.A. (''Italfond''), and Rodacciai S.p.A. (''Rodacciai'') which all received a zero or *de minimis* final rate. For all producers and exporters, with the exception of Valbruna, Foroni, Bedini, Italfond, and Rodacciai, countervailing duties will be assessed on all unliquidated entries of stainless steel bar from Italy entered, or withdrawn from warehouse, for consumption on or after June 6, 2001, the date of publication of the Department's preliminary determination in the **Federal Register** (see Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination: Stainless Steel Bar From Italy, 66 FR 30414 (June 6, 2001)), and before October 4, 2001, the date the Department instructed Customs to discontinue the suspension of liquidation in accordance with section 703(d) of the Act (*see also,* The Statement of Administrative Action, H. Doc. No. 103–316, Vol. 1 at 874 (1994), reprinted in 1994 U.S.C.C.A.N. 3773, 4163), and on all subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this countervailing duty order in the **Federal Register**.

On or after the date of publication of this notice in the **Federal Register**, Customs officers must require, at the same time as importers would normally deposit estimated duties, cash deposits for the subject merchandise equal to the countervailing duty rates as noted below. The ''All Others'' rate applies to all exporters of stainless steel bar from Italy not specifically listed below:

Producer/Exporter	Percent [1]
Cogne Acciai Speciali S.r.l	13.17
Acciaierie Valbruna S.p.A	([2])
Acciaiera Foroni S.p.A	([2])
Trafilerie Bedini S.r.l	([2])
Italfond S.p.A	([2])
Rodacciai S.p.A	([2])
All Others	13.17

[1] Net subsidy rate.
[2] Excluded.

This notice constitutes the countervailing duty order with respect to stainless steel bar from Italy, pursuant to section 705(a) of the Act. Interested parties may contact the Central Records Unit, Room B–099 of the Main Commerce Building for copies of an updated list of countervailing duty orders currently in effect.

This order is published in accordance with sections 706(a) and 19 CFR 351.211.

Dated: March 5, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 02–5749 Filed 3–7–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030402B]

Proposed Information Collection; Comment Request; Small-Boat Commercial Fishing Exemptions Social Impacts Study

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, 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, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before May 7, 2002.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6608, 14th and Constitution Avenue NW, Washington DC 20230 (or via the Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Dr. Jennifer Sepez, Regional Anthropologist, Alaska Fisheries Science Center, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service; 7600 Sand Point Way NE, Seattle, WA 98115–0070.

SUPPLEMENTARY INFORMATION:

I. Abstract

The adoption of an area and fishery-specific approach in recently adopted protection measures for threatened and endangered Stellar sea lion populations in Alaska included an exemption for certain small boats in the Unalaska area, allowing for a limited Pacific cod fishery by longliner catcher vessels on the west side of Unalaska Island. Consideration of a similar exemption for small-boats fishing in and around Chignik, Alaska was not adopted. This study will assess and compare the social impacts of the new small-boat fleet regulations on these two fishing communities. The information will provide an improved understanding of the value of small-boat fishing exemptions as a management tool for mitigating social impacts.

II. Method of Collection

Study information will be collected in face-to-face interviews with key individuals. Participation will be entirely voluntary.

III. Data

OMB Number: None.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Individuals or households, and business or other for-profit organizations.

Estimated Number of Respondents: 100.

Estimated Time Per Response: 30 minutes.

Estimated Total Annual Burden Hours: 50 hours.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

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 shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) 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.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 28, 2002.

Madeleine Clayton,

Departmental Paperwork Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 02–5621 Filed 3–7–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 051101B]

Notice of Availability of Final Stock Assessment Reports

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

ACTION: Notice of availability of final marine mammal stock assessment reports; response to comments.

SUMMARY: NMFS has incorporated public comments into revisions of marine mammal stock assessment reports (SARs). The 2001 final SARs are now complete and available to the public.

ADDRESSES: Send requests for printed copies of reports to: Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3226, Attn: Stock Assessments. Copies of the Alaska Regional SARs may be requested from Robyn Angliss, Alaska Fisheries Science Center (F/AKC), NMFS, 7600 Sand Point Way, NE BIN 15700, Seattle, WA 98115–0070.

Copies of the Atlantic and Gulf of Mexico Regional SARs may be requested from Janeen Quintal, Northeast Fisheries Science Center, 166 Water St., Woods Hole, MA 02543 or Steven Swartz, Southeast Fisheries Science Center, 75 Virginia Beach Dr., Miami, FL 33149.

Copies of the Pacific Regional SARs may be requested from Tim Price, Southwest Regional Office (F/SWO3), NMFS, 501 West Ocean Boulevard, Long Beach, CA 90802–4213.

FOR FURTHER INFORMATION CONTACT: Emily Menashes, Office of Protected Resources, 301–713–2322, ext. 101, e-mail Emily.Menashes@noaa.gov; Robyn Angliss 206- 526–4032, e-mail Robyn.Angliss@noaa.gov, regarding Alaska regional stock assessments; Janeen Quintal, 508–495–2252, e-mail Janeen.Quintal@noaa.gov, regarding Northwest Atlantic regional stock assessments; Steven Swartz, 305–361–4487, e-mail Steven.Swartz@noaa.gov, regarding Mid-Atlantic and Gulf of Mexico regional stock assessments; or Tim Price, 562–980–4020, e-mail Tim.Price@noaa.gov, regarding Pacific regional stock assessments.

SUPPLEMENTARY INFORMATION:

Electronic Access

All stock assessment reports and the guidelines for preparing them are available via the Internet at *http://www.nmfs.noaa.gov/prot—res/PR2/Stock—Assessment—Program/sars.html.*

Background

Section 117 of the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361 *et seq.*) requires NMFS and the U.S. Fish and Wildlife Service (FWS) to prepare stock assessments for each stock of

marine mammals that occurs in waters under the jurisdiction of the United States. These reports must contain information regarding the distribution and abundance of the stock, population growth rates and trends, estimates of annual human-caused mortality and serious injury from all sources, descriptions of the fisheries with which the stock interacts, and the status of the stock. Initial reports were completed in 1995.

The MMPA requires NMFS and FWS to review the SARs at least annually for strategic stocks and stocks for which significant new information is available and at least once every 3 years for non-strategic stocks. NMFS and the FWS are required to revise a SAR if the status of the stock has changed or can be more accurately determined.

Draft 2001 SARs were made available for a 90–day public review and comment period on June 7, 2001 (66 FR 30706). Prior to their release for public review and comment, NMFS subjected the draft reports to internal technical review and to scientific review by regional Scientific Review Groups (SRGs) established under the MMPA. Following the close of the comment period, NMFS revised the reports as needed to prepare final 2001 SARs. Printed copies may be obtained by request (see **ADDRESSES**).

NMFS appended the most recent versions of the SARs for polar bears, sea otters, walrus, and manatees to NMFS' final 2001 SARs. These reports were prepared by the FWS and were included so that interested constituents would have reports for all regional stocks in a single document.

Comments and Responses

NMFS received three letters containing comments on the draft 2001 SARs. Each letter contained multiple comments on stocks in each of the three regional reports. Other comments were related to national issues common among the regional reports. The comments and responses below are separated according to the regional scope of the comments.

Comments on National Issues

Comment 1: Commenters recommended additional research, monitoring, or conservation measures based on information contained in the draft SARs. For example, commenters noted that revised abundance and mortality estimates are needed for some marine mammal stocks or that additional observer coverage is needed in some fisheries. Commenters also stated that NMFS should convene additional take reduction teams.

Response: NMFS understands that abundance and mortality estimates for many stocks of marine mammals are less precise or current than if they were based on additional information. Such a situation is the unfortunate consequence of a finite budget and many conservation issues. NMFS prioritizes abundance estimates according to the age and precision of the estimate and the estimated mortality level, particularly mortality incidental to commercial fishing interactions. When annual mortality is considered to be relatively small, the priority for updating the estimate is low. In those cases in which a low mortality rate (e.g., less than 10 per year) exceeds a Potential Biological Removal (PBR) level calculated from an abundance estimate that included only a small part of the stock's range (e.g., false killer whale, Hawaiian stock), the priority for obtaining an abundance estimate is low relative to many other situations.

Other than a rotating observer program in the Alaska Region, existing observer programs are tied directly to existing take reduction plans. NMFS will not be able to implement large, new observer programs until new funds are available or until the success of the current take reduction plans makes the associated observer programs unnecessary.

Although NMFS recognizes that fishery-related mortality exceeds PBR in some stocks of marine mammals, current funding levels limit NMFS' ability to implement additional take reduction programs.

Comment 2: Commenters noted that the SARs include many stocks of marine mammals with abundance estimates that are at least 5 years old. According to the guidelines for developing SARs, the calculated PBR values should be decreased by 20 percent per year when minimum population estimates are more than 5 years old. Commenters encouraged NMFS to follow these guidelines throughout the SARs and to schedule population surveys to obtain current abundance estimates for management and to avoid these default PBR levels and their possible impacts on fisheries. Other comments also noted abundance estimates that were old and recommended that PBR be changed to zero for several stocks of marine mammals nationally.

Response: NMFS and FWS prepared guidelines for the initial stock assessment reports in 1995 and included a provision for reducing the PBR where abundance estimates were more than 5 years old. NMFS and FWS reviewed these guidelines, in consultation with the regional SRGs, after the initial reports were completed to evaluate how well the guidelines were performing and to revise as appropriate. Following the review, the guidelines were revised to state that abundance estimates older than 8 years are not reliable indicators of the current number of marine mammals in the affected stock. The revised guidelines state that PBR will be undefined when abundance estimates are more than 8 years old unless there is compelling evidence that the stock has not declined since the last abundance estimate. All assessment reports and the guidelines for preparing them are available electronically (see Electronic Access).

Comment 3: One commenter stated that some regions included all stock assessments, whether or not they are revised, while some only include those that have been revised. Some regions did not review all strategic stocks. Stock assessments for all strategic stocks must be revised annually as required by the MMPA. The commenter also stated that the MMPA requires that stock assessments for strategic stocks be reviewed annually and stipulates that updates are also warranted when new information is available that may affect the status of the stocks.

Response: MMPA section 117(c) provides that SARs are to be reviewed based on an established schedule (at least annually for strategic stocks or stocks for which significant new information is available; at least once every 3 years for all other stocks). When it is determined, based on review, that the status of the stock has changed or can be more accurately determined, the SAR must be revised.

All strategic stocks are reviewed each year. However, the stock assessment reports must be revised only when the review indicates that the status of the stock has changed or can be more accurately determined. For example, new abundance estimates or new information on fishery and/or natural mortality could result in the revision of a stock assessment report. However, NMFS routinely revises the SARs with new information even when it is not significant or does not indicate that the status of the stock has changed or can be more accurately determined.

To make it easier to find information on marine mammal stocks, NMFS is printing all SARs, revised or not, in the final SARs for each year. However, for the draft report, the regions have only been asked to include revised SARs.

Additionally, the review schedules for non-strategic stocks vary across regions. For example, the Pacific SRG requested that reports for non-strategic stocks be reviewed as a group every 3 years. The

Alaska SRG requested that NMFS review and revise, as needed, one third of the reports annually so that each is reviewed every 3 years.

Comment 4: One commenter noted that the SARs only included information through 1999 and asked why it was not possible to provide more updated information.

Response: The process of preparing and reviewing SARs takes time, which results in an unfortunate but necessary lag in the data that is included in each SAR relative to when that SAR is published. NMFS staff began working on the draft 2001 SARs in the summer of 2000. At that time, the most recent full year of data were used. In the case of the 2001 SARs, 1999 data were available, but a full year of 2000 data were not yet available. The SARs were reviewed by the appropriate SRG in the fall of 2000. Based on comments received from the SRGs, the draft SARs were revised before being released for public review and comment in the summer of 2001. The draft 2001 SARs were made available for a 90–day public comment period, after which NMFS staff needed to respond to comments received and revise the SARs accordingly.

NMFS does use more updated information than is presented in the most recent final SAR. For example, the newly formed Bottlenose Dolphin Take Reduction Team is considering information about Atlantic coastal bottlenose dolphins that has been reviewed by the Atlantic SRG, but that will not be available for public review and comment in the SAR until the draft 2002 SARs are released in the spring of 2002. Similarly, information on marine mammal mortality of relevance to other Take Reduction Teams are made available for Team use prior to being published in a final SAR.

Comment 5: One commenter recommended that estimates of entanglement- or collision-related mortality should consider all available data and use analytical procedures intended to provide the best possible estimates of mortality rather than minimum estimates. The commenter specifically expressed concern about the SARs for right whales and humpback whales in the North Atlantic, which base estimates of entanglement- or collision-related mortality only on those cases where ''substantial evidence'' is available.

Response: NMFS uses all available data and analytical procedures to develop estimates of mortality and takes a precautionary approach by using standards for interpreting serious injuries that equate seriously injured animals with mortalities. However, it is not appropriate to apply the bycatch estimation protocols used for small cetaceans to entangled animals. Any attempt to do this with the current limited knowledge of entanglement rates would yield unreliable estimates.

It is also not correct to assume that all injuries are serious and lead to the mortality of an animal. For example, we know from scarring and other data that many entanglements are not serious. NMFS has determined that the best approach is to investigate each case individually, collecting all available information and assigning anthropogenic causes to those cases for which there is appropriate evidence.

The quality of the reports received from the field has the greatest impact on NMFS' ability to assess and injury as serious or not. NMFS is working to improve reporting on the beach by requiring stranding personnel to complete a new ''Human Interaction Form'' in addition to the standard Level A stranding reporting form. The new form prompts responders to look for and report indications of human interactions on stranded animals in greater detail, which should allow NMFS to make determinations with a higher degree of confidence. To address reports of entanglements and mortalities offshore, NMFS initiated a streamlined, East and Gulf coast-wide communications network involving the Coast Guard to assist in realtime reporting of events. The system will put observers in direct contact with experts who can then ask case-specific questions to thoroughly assess each event.

Comment 6: One commenter stated that NMFS should incorporate in the SARS analyses to measure the power with which observer programs can estimate mortality and serious injury levels equivalent to the potential PBR level.

Response: NMFS is aware of the limitations of the observer program to yield precise estimates of mortality rates. Considering available funding, NMFS tries to balance the need to obtain marine mammal mortality estimates for a variety of fisheries with the need to obtain mortality estimates that are as precise as possible. NMFS will consider the suggestion to include a power analysis for future SARs.

Comment 7: One commenter stated that for some stocks, it may be more efficient for NMFS to develop mechanisms to calculate PBR or a PBR-equivalent using general density or relative indices of abundance.

Response: For some stocks, NMFS has used the approach suggested by the commenter. In cases where a mortality estimate is available, but reliable abundance estimates are not, NMFS has used the PBR equation to calculate the population size that would be needed to support known mortality levels. This method provides an idea of whether the mortality level is sustainable. However, section 3(20) the MMPA includes an equation to calculate PBR levels.

Comment 8: One commenter noted that the SARs describe mortality and serious injury that occur as a result of direct interactions with commercial fisheries, but do not address indirect interactions with commercial fisheries, which also may restrict population growth. NMFS should expand the reports to include all human-related factors that could impede population growth or recovery as required by section 117(a)(3) of the MMPA. Although quantitative descriptions of indirect effects will be very difficult, the potential for such effects should be described for each species or stock vulnerable to such effects.

Response: Section 117(a)(3) of the MMPA requires NMFS to, ''estimate the annual human-caused mortality and serious injury of the stock by source and, for a strategic stock, other factors that may be causing a decline or impeding recovery of the stock, including effects on marine mammal habitat and prey.'' NMFS recognizes the need to identify other factors that may affect a marine mammal population in the Guidelines for Assessing Marine Mammal Stocks (Wade and Angliss 1997): ''A statement about habitat issues should be included in the Status section of the Reports, or, if needed, in a separate section titled ''Habitat Issues''. If data exist that indicate a problem, they should be summarized and included in the Reports. If there are no known habitat issues for a stock, this should be explicitly stated, as consideration of habitat issues are mandated by the act.'' However, NMFS does not have the information necessary to make a statement in the SARs indicating whether habitat issues are or are not of concern for each marine mammal stock. NMFS has been focusing its limited resources on improving estimates of direct interactions with commercial fisheries.

Comment 9: One commenter recommended that NMFS should improve the incorporation of stranding data in fishery mortality estimates for all stocks.

Response: NMFS considers stranding data and incorporates it as appropriate into the SARs. In situations where observer coverage allows calculation of a mortality estimate, it is not appropriate to use stranding data to

supplement the mortality estimate if the stranded animal could be included in the projection of a mortality estimate resulting from observer coverage. However, NMFS has used stranding data to supplement mortality estimates if observer coverage is not available or if the stranded animal would not have been included in the mortality estimate from observer coverage.

Comment 10: One commenter recommended that NMFS make every effort to increase compliance with the self-reporting requirements of the MMPA.

Response: NMFS conducts outreach and education to the fishing industry that informs them of the requirement to report incidental mortality and serious injury of marine mammals incidental to commercial fishing activities. To expand these efforts, NMFS would have to redirect funding and staff from other research and conservation needs, such as abundance estimates, observer coverage, or implementation of take reduction plans. Other comments note that these other research and conservation efforts should be expanded.

Comment 11: One commenter stated that NMFS should finalize its definition of serious injury. NMFS should then provide the SRGs with clear guidance, so they may consistently determine what constitutes serious injury and incorporate that into their assessments.

Response: NMFS agrees and will make finalizing the serious injury guidelines a priority.

Comment 12: One commenter suggested that NMFS publish the recommendations made by the SRGs with the SARs, as well as NMFS' plans to implement the recommendations. Additionally, NMFS should include proposed budgets to undertake these programs. Publishing this information could potentially facilitate greater involvement and support from interest groups who are dedicated in their efforts to secure adequate funding for NMFS and its programs.

Response: NMFS will consider the commenter's recommendation to make SRG comments, NMFS response, and budget information more widely available.

Alaska Regional SARs

Comment 13: One commenter stated that the preface to the Alaska SARs should be modified to indicate that descriptions of geographic range, a minimum population estimate, current population trends, current and maximum net productivity rates, optimum sustainable population levels and allowable removals, and estimates of annual human-caused mortality and serious injury are estimated when sufficient data are available.

Response: NMFS will make the recommended change in the preface to the Alaska SARs.

Comment 14: One commenter noted that sections of the SAR for Cook Inlet beluga whales contain different estimates of population abundance. This should be corrected.

Response: The SAR has been corrected to identify 435 whales as the correct estimate of abundance.

Comment 15: One commenter stated that, given the extremely low abundance of the Cook Inlet stock of beluga whales, the recovery factor should be set to 0.1, as recommended by the Alaska SRG or NMFS should provide a justification for the selection of 0.3 based on an analysis of factors that may affect the population in the future.

Response: NMFS determined that it was not appropriate to list this stock under the Endangered Species Act (ESA) in 2000 (65 FR 38778, June 22, 2000). If an ESA listing was determined to be appropriate, NMFS would have considered using the default recovery factor of 0.1, which is typically used for endangered species. NMFS determined that it was appropriate to designate this stock as depleted under the MMPA (65 FR 34590; May 31, 2000). The default recovery factor for a depleted stock is 0.5. However, because of the small size of the population, NMFS decreased the recovery factor from 0.5 to 0.3. A more conservative recovery factor is not necessary because the largest source of mortality, which is from the local subsistence harvest, has greatly decreased since 1999 and is being carefully managed through statutory authority and a co-management agreement between the Cook Inlet Marine Mammal Council and NMFS.

Because the harvest has been limited, direct human-caused mortality is not an important factor for Cook Inlet beluga whales; thus, a lower PBR level would serve no purpose.

Comment 16: One commenter stated that reliable, updated, or improved estimates of abundance are needed for stocks of spotted seal, Pacific white-sided dolphin, Dall's porpoise, sperm whale, all stocks of beaked whales, both stocks of humpback whale, fin whale, minke whale, ribbon seal, North Pacific right whale, and bowhead whale. In addition, estimates for stocks of bearded seal and ringed seal are based on an incomplete survey of their range. This should be rectified.

Response: NMFS has obtained abundance estimates of pinnipeds and cetaceans that are of highest conservation concern, including Steller sea lions, Cook Inlet beluga whales, humpback whales, northern fur seals, harbor seals, killer whales and harbor porpoise. Surveys to collect abundance estimates of other species are conducted as funds are available. Conducting surveys for stocks that are known or strongly suspected to be abundant and broadly distributed are prioritized lower than stocks that are designated as threatened or endangered under the ESA, as depleted under the MMPA, or for which the conservation issues are known or severe. NMFS determines population abundance estimates for all marine mammal stocks as required by the MMPA as resources allow.

NMFS' plans to collect information on the stocks identified by the commenter follow.

Spotted seal, bearded seal, ringed seal: surveys of a portion of each stock's range were conducted during the 1990's. Based on these surveys, other stocks of ''ice seals'' are suspected to be abundant and broadly distributed across the Arctic based on surveys that include at least a portion of the stock's range. Available information about human-related mortality of these stocks indicates that direct mortality is not likely to negatively affect these stocks in the foreseeable future. Conducting surveys of these stocks is very expensive and likely to be a low priority because there are no immediate conservation concerns. NMFS is currently exploring options for collecting information on stock abundance of these animals using remote sensing.

Ribbon seal: ribbon seals are distributed far offshore in the ice pack during the winter and spring; thus, traditional aerial surveys with a land-based aircraft are unable to census a representative portion of this stock's range. Alternative survey techniques, such as remote sensing or conducting surveys from helicopters based on ice breakers, will have to be explored. Because of these logistic and technological challenges, NMFS does not expect to be able to develop a minimum population estimate for this stock in the near future.

Pacific white-sided dolphin and Dall's porpoise: the most recent abundance estimates for these stocks were based on data collected during 1987–1990 during a vessel survey designed to collect information on cetaceans in offshore waters. At this time, there are no current plans to conduct a similar vessel survey, so new estimates of total abundance should not be expected within the next few years. NMFS will be investigating whether estimates and relative distribution of these stocks in coastal

waters might be obtained from a variety of aerial and vessel line-transect surveys conducted in Alaska over the past 10 years.

Humpback whales: humpback whale population size is estimated either by applying mark-recapture techniques to photo-identification data (estimate published in 1997) or by vessel line transect surveys (most recently conducted in 1999). NMFS has supported the collection of one or both types of data annually for many years, and substantial amounts of new information has been collected since the last population estimate was made. NMFS plans to support the analysis of these new data and be able to include a new population estimate in the draft SARs for 2002.

Bowhead whales: Congress provides funding to the North Slope Borough each year to support the collection of information on bowhead whale biology, abundance, and population dynamics. The North Slope Borough completed a census of the population during the spring of 2001. A new abundance estimate based on this census will be included in the draft SARs for 2002.

North Pacific right whales: North Pacific right whales have only recently been documented to be seasonally present in a limited area in the Bering Sea. Both vessel and aerial surveys for this stock have occurred annually since 1996, and additional surveys are planned for 2002. Because NMFS' research on this stock has only recently begun, it will likely be several more years before sufficient information is available to provide a reliable population estimate. In addition, the discreteness of the population in the western North Pacific (e.g., Sea of Okhotsk) and eastern North Pacific remains to be determined.

Fin whales: new information on the abundance of fin whales in a portion of their range has been collected during the past 3–4 years, and additional information will be forthcoming as a result of vessels surveys in the Gulf of Alaska and Bering Sea. However, an abundance estimate of their entire range would require a dedicated vessel survey in the North Pacific. At this time, this type of survey is not being planned. However, the surveys conducted and planned for a portion of their range should be sufficient to calculate a minimum population estimate for a portion of the stock's range within a few years.

Minke whales, sperm whales, and beaked whales: these stocks are broadly distributed over the North Pacific. Ideally, population estimates for these stocks would be based on sightings from dedicated vessel surveys. At this time, this type of survey is not being planned.

Comment 17: One commenter requested that NMFS should improve the estimates of fisheries and subsistence takes. NMFS should aggressively pursue developing and implementing an observer program for those fisheries that have had documented marine mammal takes.

Response: Estimates of incidental mortality of marine mammals from commercial fisheries that are observed are quite good, including the Bering Sea and Gulf of Alaska groundfish trawl and longline fisheries, and the crab pot fisheries. NMFS currently only has funding available to observe one Alaska fishery for marine mammal interactions each year (not including fisheries that are observed for fishery management reasons). Because previous observer programs for the Prince William Sound salmon drift gillnet fishery and self-reported information documented some mortality of marine mammals incidental to salmon gillnet operations in the 1990s, NMFS is rotating an observer program among various gillnet fisheries.

The Cook Inlet set and drift gillnet fisheries were observed in 1999 and 2000. During the two years of the program, no mortalities of any marine mammals were observed, although one serious injury of a harbor porpoise was observed. In 2001, NMFS began working to implement an observer program in the salmon gillnet fisheries around Kodiak Island. That observer program will be fully implemented for the 2002 fishing season. NMFS continues developing the program to rotate among other fisheries in the future.

Reliable subsistence harvest information is available for some species, such as bowhead whales, beluga whales, and fur seals. Subsistence harvest information for harbor seals and Steller sea lions was collected annually by the Alaska Department of Fish and Game Division of Subsistence for several years. There was a hiatus in data collection in the late 1990's because of a lack of funding. A grant was provided to the Alaska Steller Sea Lion and Sea Otter Commission (ASSLOC) for the collection of information on the Steller sea lion subsistence harvest. NMFS will include information on the subsistence harvest provided by the ASSLOC in the draft SAR for 2003. NMFS will continue to work with the Alaskan Native community to collect information on the subsistence use of other species as resources allow.

Comment 18: One commenter stated that it is important to obtain reliable and recent information on the level of mortality that results from native hunting. Another commenter recommended that NMFS continue to pursue co-management agreements with the Alaskan native community that would result in the effective monitoring, reporting, and control of subsistence takes.

Response: NMFS uses the best data available on the level of mortality of marine mammals that results from Alaska Native subsistence harvest. The amount of data available on subsistence harvests varies widely by species. For example, data on harbor seal and Steller sea lion subsistence harvest has been collected by the Alaska Department of Fish and Game nearly annually at all villages that hunt these species at least since 1996. Collection of data on ice seal subsistence harvest by the Alaska Department of Fish and Game has occurred less frequently, and are only available for some villages during some years. Preliminary information on ice seal harvest levels were presented to the Alaska SRG in 2001, but the data were too preliminary to include in the 2001 SARs. This information will be included in the draft 2002 SARs.

NMFS has aggressively pursued co-management agreements for stocks such as Cook Inlet beluga whales and the three Alaska harbor seal stocks because of known declines in all or a portion of the stock's respective ranges. NMFS will pursue other co-management agreements as resources allow.

Comment 19: One commenter requested that the SAR for the eastern stock of Steller sea lions should include data on take in the Canadian fisheries and in the Canadian subsistence harvest.

Response: The draft SAR for 2001 indicates that an average of about 41 Steller sea lions per year are intentionally killed in the British Columbia aquaculture predator control program. NMFS is not aware of any additional intentional or incidental mortalities of Steller sea lions in Canadian fisheries, although NMFS formally requested such information from the Department of Fisheries and Oceans Canada. Additional information on mortalities in Canadian waters will be included in the SARs when it becomes available.

Comment 20: One commenter stated that the magnitude of intentional killing, disturbance, and illegal fishing on the high seas on the eastern Pacific stock of northern fur seals is unknown. Stranding data and other information should be collected to develop a better understanding of this situation and its effect on the population.

Response: Stranding data are already collected and reported routinely in the SARs for northern fur seals and for all other marine mammal stocks in Alaska.

Comment 21: One commenter stated that NMFS should evaluate the current divisions between the Alaska harbor seal stocks and redefine these stocks in accordance with new harbor seal genetic information. In addition, new abundance estimates should be incorporated into the SARs.

Response: NMFS now has sufficient information on the genetics of harbor seals in Alaska to be confident that the current boundaries between the stocks are incorrect. However, sufficient information is not yet available to identify new stock boundaries. NMFS, in cooperation with the Alaskan Native community, is working to identify the new stock boundaries and provide new abundance estimates for all Alaska harbor seal stocks in the draft SARs for 2003.

Comment 22: One commenter stated that NMFS should work with Alaskan Natives to finalize the co-management agreement for Cook Inlet beluga whales and to ensure that the subsistence harvest level is below the PBR level.

Response: Co-management agreements for Cook Inlet beluga whales were signed in 2000 and 2001. NMFS is working with Alaskan natives on a long-term agreement to co-manage the harvest.

Comment 23: One commenter stated that NMFS should continue to improve observer coverage of the Cook Inlet purse seine and gillnet fisheries, increase compliance for self reporting, and monitor the subsistence harvest to improve the estimates of mortality from these sources.

Response: See response to comments 1 and 17 regarding observer coverage. There is no evidence at this time that monitoring of the subsistence harvest of beluga whales in Cook Inlet needs to be improved. See response to comment 10 regarding improvements to compliance with self-reporting.

Comment 24: One commenter stated that NMFS should revise the SAR for Dall's porpoise and divide it into at least two stocks based on genetics data indicating delineation between animals in the Bering Sea and the Gulf of Alaska and based on the phylogeographic criteria outlined in Dizon et al (1992).

Response: NMFS will provide a revised SAR for Dall's porpoise in the draft SARs for 2003 and will consider this recommendation at that time.

Comment 25: One commenter stated that NMFS should intensify efforts to assess the magnitude of harbor porpoise mortality in Alaskan gillnet fisheries. The mortality estimates reported in the SARs are minimum estimates and the actual mortality level could be approaching the PBR level.

Response: See response to comments 1 and 17 regarding the rotation of marine mammal observer programs in Alaskan commercial fisheries.

Comment 26: One commenter stated that the PBR level for North Pacific right whales should be set at zero as it is likely the most endangered population of large whales in the world.

Response: Despite having insufficient information to estimate the abundance of this stock, NMFS is confident that the stock size is quite small. The PBR level will remain ''undetermined'' in the 2001 SARs, but NMFS will propose to change the PBR level to zero in the draft SARs for 2002.

Comment 27: One commenter requested that estimates of the subsistence harvest of bowhead whales since 1996 be included in the SAR.

Response: Estimates of the subsistence harvest for 1995–1999 were included in the draft SAR for 2001 in the section entitled ''Subsistence/Native Harvest Information''.

Comment 28: One commenter noted that several of the SARs contain the phrase ''It is not possible to produce a reliable estimate of abundance for this stock, as a current estimate of abundance is not available.'' This is redundant and should be corrected.

Response: NMFS agrees and will change the text in the SARs as are they are reviewed and revised.

Comment 29: One commenter stated that the western U.S. stock of Steller sea lions continues to decline in abundance. Because of this, the recovery factor should be set to zero, as is done with other stocks which are declining in abundance (e.g. North Atlantic right whales). Furthermore, NMFS uses a default of 0.5 for the maximum rate of reproduction. This stock is declining, and so its rate of reproduction would appear to be a negative number.

Response: The recovery factor for the western stock of Steller sea lions has been set to 0.1 as recommended by the Alaska SRG in 1998. This is the lowest value for a recovery factor allowed under the MMPA. The recovery factor for North Atlantic right whales is also 0.1.

The PBR level for North Atlantic right whales was set at zero because the stock is very small in size (<300 animals) and the reproductive rate is naturally very low. Despite the decline of the western stock of Steller sea lions, the population includes over 30,000 animals and has a reproductive rate that is substantially higher than that for right whales. The likelihood of extinction of the western stock of Steller sea lions is considerably lower than the likelihood of extinction of North Atlantic right whales. Thus, NMFS does not set the PBR level for the western stock of Steller sea lions to zero.

Comment 30: One commenter stated that the high level of Alaskan Native subsistence harvest of Steller sea lions should be immediately addressed.

Response: See the response to comment 17 regarding the availability of information on the subsistence harvest of Steller sea lions. NMFS continues to work with the Alaskan Native community to determine what, if anything, should be done to manage the level of subsistence take of Steller sea lions.

Comment 31: One commenter noted that the SAR for spotted seals indicates that no estimates of mortality in the subsistence harvest are available after 1995. This should be remedied immediately, particularly since the stock assessment states that the reported estimate underestimates the statewide total.

Response: A source of information on subsistence harvest of ice seals has been located and revised estimates will be provided in the draft SARs for 2002.

Comment 32: One commenter noted that native hunting of beluga whales in the eastern Bering Sea stock through 1997 is reported to average 121 whales per year. This harvest level is very close to the PBR level for this stock, and the level in some years has exceeded the PBR. This situation requires immediate management attention.

Response: NMFS realizes that the average harvest level is near the PBR level and that the annual level of subsistence harvest has occasionally been above the PBR level. Although it is not appropriate for NMFS to manage subsistence harvest based solely on comparisons between the subsistence harvest level and the PBR level, NMFS has worked closely with the Alaska Beluga Whale Commission to insure that animal removals are sustainable as required by the by-laws of the Alaska Beluga Whale Commission.

Comment 33: One commenter noted that the SAR for gray whales makes no mention of the elevated number of strandings of gray whales that occurred in 1999 and 2000. This phenomenon should be discussed.

Response: NMFS did not revise the SAR for gray whales in 2001. The elevated number of strandings will be discussed in the draft SAR for 2002.

Comment 34: One commenter commended NMFS for including new information in the draft SAR for the western North Pacific humpback whale

that indicates humpback whale meat is being sold in Japanese markets. Unless there is sufficient information to indicate that the whale meat is from animals solely in this stock, statements regarding the sale of meat should also be added to the SAR for the central North Pacific stock of humpback whales.

Response: NMFS will review the available information and, if appropriate, add the statements regarding the sale of meat to the SAR for the central North Pacific stock of humpback whales.

Comment 35: One commenter stated that it is likely that the numbers of entanglements and ship strikes incurred by the central North Pacific stock of humpback whales is higher than reported in the draft SAR because the animals are primarily in populated areas and much of coastal Alaska is sparsely populated.

Response: All available information about the actual level of entanglements and ship strikes of humpback whales is provided in the SAR. Additional information will be incorporated in the SAR as it becomes available.

Comment 36: The stock assessment report for the Eastern North Pacific, Northern Resident Stock of Killer whales states that this stock, or portions of it, ''where apparently approaching carrying capacity since the rates of increase appeared to be slowing.'' The commenter recommends that the statement about carrying capacity be deleted from the SAR because there are a number of reasons for rates of increase slowing.

Response: This conclusion cited in the SAR was reported in a workshop report (Dahlheim et al., 2000). As this is one reasonable hypothesis for a decline in the population growth rate, the statement will remain in the SAR. However, the commenter is correct that there may be other hypotheses for the decline in the population growth rate, and NMFS revised the SAR to clarify that point.

Atlantic Regional SARs

Comment 37: One commenter noted that Sei whales have not been surveyed for almost 20 years and the estimate in the SAR probably does not reflect current abundance. New surveys should be conducted to estimate abundance for this stock.

Response: NMFS agrees. However, funding for such surveys is currently unavailable.

Comment 38: One commenter stated that the PBR level for blue whales should be set to zero given that the abundance estimate is more than 10 years old. New surveys should be conducted.

Response: NMFS guidelines state that if abundance estimates are more than eight years old or are unavailable, then the PBR level is considered to be unknown, but not zero (Wade and Angliss 1997). The text of the SAR has been amended to reflect this. However, it is important to note that blue whales are very rarely found in US Atlantic waters, and, therefore, the PBR issue is of limited importance because no U.S. fisheries are involved in the incidental mortality or serious injury of blue whales.

Funding for blue whale abundance surveys is currently unavailable. Furthermore, obtaining useful survey results for blue whales would be difficult given that little is known about population structure. The southernmost limit of this stock's range is the Scotian Shelf in Canadian (not U.S.) waters, and it is not clear how the animals found on the Scotian Shelf relate to animals in other areas. NMFS plans to conduct a survey of the entire Scotian Shelf in the summer of 2002 to follow up on recommendations made by the recent International Whaling Commission Comprehensive Assessment of North Atlantic Humpback Whales and the need to further define the humpback population on the Scotian Shelf. Blue whale surveys would be a secondary part of this effort, but are unlikely to yield enough information to resolve either abundance or population structure issues for this stock of blue whales.

Comment 39: One commenter recommended that NMFS include Canadian fishery-related mortality in the total annual estimated average fishery-related mortality for the Canadian East Coast stock of minke whales.

Response: NMFS will investigate if sources of information about Canadian mortalities other than those already reported in the SAR are available for including in future SARs.

Comment 40: One commenter recommended that NMFS continue to improve population abundance and bycatch mortality estimates for beaked whales and study the impacts of acoustic pollution on these and other marine mammals.

Response: NMFS has designated beaked whales as high priority species to sample (e.g., photographs, tissues, body measurements) in the fishery observer sampling manual, to obtain biological and human interaction data on stranded beaked whales, and to photograph and collect biopsy samples of during abundance surveys. Collected tissue samples are analyzed for genetic studies. Genetic and photographic data have been used to confirm or correct initial species identification of bycatches, abundance survey sightings, and strandings.

NMFS is coordinating with other agencies and researchers to answer the most critical questions related to the impacts of acoustics on marine mammals. NMFS is currently working with the Navy to resolve the effects of noise on marine mammal hearing and behavior.

Comment 41: One commenter recommended that NMFS continue to improve population abundance and bycatch mortality estimates for long-finned pilot whale and short-finned pilot whales.

Response: Assessing pilot whale fishery bycatch, strandings, and obtaining photographs and biopsy samples during abundance surveys are high priorities for NMFS. Because at-sea identification of pilot whales is difficult, fishery observers are requested to assign undifferentiated species identification to bycaught animals that are not photographed or sampled. Genetic and photographic data have been and will continue to be used to confirm or correct initial species identification of bycatches, abundance survey sightings, and strandings.

Comment 42: One commenter recommended that NMFS continue to pursue spotted dolphin stock identification studies, and species identification of the bycatch of common dolphin, Atlantic spotted dolphin, Pantropical spotted dolphin, and Striped dolphin.

Response: Sampling spotted dolphins is a high priority. Tissue samples obtained from bycatches, research vessel, and stranding events are processed and analyzed by NMFS. Genetic and photographic data have been used to confirm or correct initial species identification of bycatches, abundance survey sightings, and strandings.

Comment 43: One commenter stated that the stock assessments for harbor seals, gray seals, and harp seals are inadequate because they lack reliable population abundance data.

Response: NMFS has taken and is taking the following steps to improve population abundance data and stock assessments for these species. In the spring of 2001, NMFS and the University of Maine conducted harbor seal studies (radio tagging and replicate aerial surveys) designed to obtain a more precise estimate of harbor seal abundance. Also, all haulout sites containing gray seals were surveyed and

photographed. Survey data are being analyzed and will be submitted to the SRG in mid–2002 for review.

From the autumn of 2001 to the spring of 2002, NMFS will be monitoring harbor seal and gray seal seasonal abundance in southern New England. Also, NMFS is collecting harbor seal and gray seal tissue samples for stock studies. An unknown, and perhaps significant, fraction of the gray seals seasonally residing in U.S. waters are migrants from Canada.

Harp seal population estimates are obtained from Canadian Department of Fisheries and Oceans (DFO) scientific reports. DFO scientists employ results of pup surveys (e.g., pup production) in models to estimate total abundance and population trends. Recently, survey design, modeling techniques and data sets (e.g., shoot/lost statistics, fishery bycatch) have been critiqued by several international scientific panels. NMFS staff have participated in some of these reviews. Based on panel findings, population estimates and trends have been revised and incorporated into the SARs.

As noted, the western North Atlantic harp seal population is centered in eastern Canada. Harp seals are highly migratory, and seasonally a small number of juveniles disperse southward into U.S. waters. Although bycatch occurs in U.S. fisheries, there is not a sound methodology for assessing seals at sea.

Comment 44: One commenter stated that there should be updated literature citations for right whales through 2000.

Response: It is not clear to what literature the commenter is referring. Many of the right whale papers produced in 1999 and 2000 are due to be published in the International Whaling Commission Special Issue volume on right whales, to appear in the fall of 2001. This new information will be incorporated into the 2002 SAR as appropriate.

Comment 45: One commenter stated that the PBR level for humpback whales has been exceeded if it is assumed that all mid-Atlantic mortalities are from the Gulf of Maine stock.

Response: The commenter is correct. However, NMFS does not know whether the mid-Atlantic mortalities occurred to the Gulf of Maine stock. A NMFS-sponsored study (Barco *et al.* 2001) determined that humpback whales observed in the mid-Atlantic are not all from the Gulf of Maine stock. A survey is planned for the spring of 2002 that will collect biopsies and photographs of humpback whales to better evaluate whether the Gulf of Maine stock is occurring in the mid-Atlantic and therefore could be subjected to the fishery-related mortality that has occurred in that area.

Comment 46: One commenter noted that a humpback whale named Zenith was struck by a whale-watching vessel in 1998 and has not been seen since (except for 3 weeks after the incident). It should be reported as a serious injury.

Response: NMFS is reviewing this case. Any change in the determination will be incorporated into the SAR.

Comment 47: One commenter noted that the sei whale recovery plan is cited as ''in effect in early 2000'', yet it is now well beyond that date, and the plan is still not in place.

Response: The commenter is correct. The plan has not yet been released due to legal issues. The SAR text has been amended accordingly.

Comment 48: One commenter stated that NMFS should not imply that the reduction in harbor porpoise bycatch is a consequence of the take reduction plan.

Response: The text was modified so as not to attribute the reduction to any particular action, but to a combination of the marine mammal and fish management plans that were put into place.

Comment 49: One commenter stated that it is inappropriate to lump Cuvier's beaked whale and Mesoplodon complex whales and manage them as a single stock.

Response: NMFS supports the goal of providing species specific abundance estimates. Observers participating in abundance surveys are instructed to collect descriptive, behavioral, and photographic data, as feasible, for each beaked whale sighting. Attempts to collect at-sea biopsy samples will continue. The current assessment contains revised mortality estimates by species for some years.

Comment 50: One commenter recommended that the section on human-induced mortality of harbor seals be revised to include all non-fishery related mortality.

Response: The estimate of the total human-caused mortality will be corrected to include non-fishery mortality contained in the draft 2001 assessment. Although, shooting of harbor seals at Maine salmon aquaculture sites has been suggested, NMFS' documentation to confirm and quantify mortality is not available. NMFS is aware of the University of Maine seal/salmon interaction project. If University of Maine researchers provide data on the number of seals shot around salmon pens, these data will be included in future SARs. NMFS staff have made inquiries to the DFO regarding statistics on the number of harbor seals shot at aquaculture sites. However, to date NMFS has not received any official information. NMFS agrees that all sources of human induced mortality or serious injury should be included in the SARs. However, it is not appropriate to include anecdotal data in the summary chart.

Comment 51: One commenter recommended that the section on human induced mortality of gray seals be revised to include all non-fishery related mortality.

Response: NMFS agrees that all directed and incidental mortality for the stock should be included in the SAR, and the statistics for the total human-caused mortality will be corrected to include non-fishery mortality. If current statistics on human-induced mortality in Canadian waters are available, they will also be included in the SAR.

Comment 52: One commenter recommended that the section on human-induced mortality of harp seals be revised to include all non-fishery related mortality. Also, the commenter noted pertinent references that should be cited and considered in the assessment.

Response: The statistics for the total human-caused mortality will be corrected to include non-fishery mortality. The statistics on the Canadian hunt and fishery bycatch are updated if data are available when the draft SAR is produced. New and significant reports were reviewed and incorporated into the final report.

Comment 53: One commenter recommended that the western North Atlantic coastal bottlenose dolphin stock assessment include a sentence indicating that this is a strategic stock, not only because it is listed as depleted under the MMPA, but also because fishery-related mortality and serious injury exceeds the PBR.

Response: The clarification will be added to the SAR.

Comment 54: One commenter recommended revising abundance estimates for the coastal stock of bottlenose dolphins.

Response: The SAR for the North Atlantic coastal stock of bottlenose dolphins is in the process of being revised for the draft 2002 SARs, including information on all recent mortality estimates.

Comment 55: One commenter stated that additional data on the stock structure of coastal and offshore western North Atlantic bottlenose dolphin stocks is needed.

Response: NMFS agrees. Research efforts will continue to focus on

answering questions related to stock structure, abundance, and fishery-related mortality of Atlantic coastal bottlenose dolphins.

Comment 56: Two commenters noted that stock assessment for the bottlenose dolphins in the Gulf of Mexico bays, sounds and estuaries have not been updated. One of the commenters suggested NMFS continue to work with stranding networks to recognize signs of fishery interactions on stranded animals.

Response: There are no new data available to make significant changes in these stock assessments. Work will continue on training stranding network volunteers to recognize and report fishery-related strandings.

Comment 57: One commenter noted that more recent abundance estimates are needed for the Northern Gulf of Mexico dwarf and pygmy sperm whales.

Response: NMFS is aware that the abundance estimates for pygmy and dwarf sperm whales, as well as other cetaceans, in the Gulf of Mexico are old and that it would be helpful to obtain new estimates.

Comment 58: One commenter urged re-examination of the stranding data and inclusion of fishery mortality estimates for strandings which may be fishery related, as it pertains to dwarf and pygmy sperm whales in the Northern Gulf of Mexico.

Response: A review of stranding data showed no *Kogia* spp. strandings in the Gulf of Mexico with confirmed human interactions, including fishery interactions, from 1997 through 2000.

Comment 59: One commenter recommended including assessments of stocks under the jurisdiction of the FWS in the final stock assessments, as was proposed by the Alaska region.

Response: NMFS has contacted the FWS requesting information on the West Indian manatee for inclusion in the 2001 SAR. FWS responded in early November that a draft revised stock assessment for that stock of manatee should be available for SRG review in the winter of 2002. This information will be included in the 2002 SAR.

Pacific Regional SARs

Comment 60: Two commenters noted that updated estimates of abundance are needed for many U.S. west coast stocks, and that stocks from the Hawaiian Islands region suffer from a paucity of data.

Response: NMFS has taken and is taking the following steps to update cetacean abundance for waters around the Hawaiian Islands. Plans for a comprehensive ship survey of cetaceans in these waters have been delayed due to ship-time requirements of other Congressionally mandated research. A cetacean survey of the Hawaiian Exclusive Economic Zone is planned for summer/autumn 2002. In the interim, NMFS has collaborated with Hawaiian researchers in the analysis of near-shore cetacean aerial surveys and is funding a small cetacean research project in the mid-island area. A line-transect survey of the U.S. west coast out to 300 nautical miles was conducted from July-December of 2001 and updated estimates of abundance for those stocks will be updated after completion of the cruise and analysis of the data.

Comment 61: One commenter requested more specific information on the depth distribution and distance from shore of California coastal bottlenose dolphins with an emphasis on whether or not coastal gillnet fisheries may still interact with this stock.

Response: Behavioral studies on southern California coastal bottlenose dolphins have shown that animals spend 90% of the time within 250 meters of the shoreline and 99% of their time within 500 meters. Gillnet fishing within 3 nautical miles of shore has been banned in southern California since 1994 and set gillnet fishing inshore of 60 fathoms from Point Reyes to Point Arguello was eliminated in 2001 by the California Department of Fish and Game. Clarification of these facts has been added to the 2001 SAR.

Comment 62: One commenter noted that the southern resident stock of killer whales has been listed as ''threatened'' in Canada, yet this is not mentioned in the Status of the Stock section of the SAR.

Response: The draft 2001 stock assessment included the following statement in the ''Status of Stock'' section: ''In April 1999, Canada's Committee on the Status of Endangered Wildlife in Canada (COSEWIC) listed resident killer whales in British Columbia as ''threatened,'' i.e., likely to become ''endangered'' if limiting factors are not reversed (Baird 1999). In June 2000, the Washington Department of Fish and Wildlife designated killer whales in Washington State as a ''state candidate species'' (a species that the Department will review for possible listing as ''state endangered, threatened, or sensitive'').''

Comment 63: One commenter stated that the discussion of the status of the southern resident stock of killer whales should be updated to reflect the continued population decline and the petition to list the stock under the ESA.

Response: NMFS agrees and will update information on the status of this stock in the draft 2002 stock assessment and add the following text to the ''Status of Stock'' section in the final 2001 stock assessment: ''On 2 May 2001, NMFS received a petition from the Center for Biological Diversity and 10 co-petitioners (an 11th co-petitioner was added on 16 July 2001) to list the Eastern North Pacific Southern Resident stock of killer whales as an endangered or threatened species under the ESA and to designate critical habitat for this stock under that act. On 13 August 2001 (66 FR 42499), NMFS determined that the petition presented substantial scientific information indicating that a listing may be warranted; thus, NMFS is required to conduct an ESA status review of the stock and issue a report on its findings by 2 May 2002. NMFS established a Biological Review Team for this purpose in late August 2001.''

Comment 64: Two commenters recommended that the PBR level for Hawaiian monk seals remain at zero.

Response: The concern over an apparent change of the PBR level from zero to five Hawaiian monk seals is based on a misunderstanding of a sentence NMFS deleted from the draft SAR: ''However, the Endangered Species Act takes precedence in management of this species and, under the Act, allowable take is 0.'' It was because of the confusion between the PBR level and the concept of allowable take under the ESA that this sentence was deleted. The PBR level is a legal term, which by itself does not authorize any take, but is instead the maximum number of marine mammals that may be removed from a stock while allowing that stock to reach its optimum sustainable population. The PBR level is determined from the formula in section 3(20) of the MMPA (16 U.S.C. 1362(20)). Based upon this formula, the PBR level for Hawaiian monk seals has been calculated for this year, as for the last two years, at 5. The deleted sentence did not state that the PBR level had become zero, but rather emphasized that the PBR itself does not authorize take of Hawaiian monk seals.

As noted above, the PBR level is generated from an MMPA process, and it thus remains reported as such in the SAR. However, new revisions to the PBR section of the SAR discuss the concerns regarding the current lack of growth in the population.

Comment 65: One commenter noted that the section on the fishery mortality in the Hawaiian monk seal SAR discusses the fact that persons with State permits are not required to submit data on protected species bycatch. This is a Federal requirement, and NMFS should work with the state to remedy discrepancies.

Response: Serious injury and mortality forms will be sent to the fishery permit holders, and by law, participants in the fishery are required to report serious injury/mortalities within 48 hours of return.

Comment 66: One commenter noted that in the SAR for Hawaiian monk seals there is a statement that fishery interactions with the species ''remain to be thoroughly evaluated...'' However, the stock assessment cites a 1993 paper by Nitta and Henderson that found one ''event'' per 34.4 hours of fishing. This sort of study should be repeated with a better attempt to obtain confidence intervals. A brief discussion of efforts that are underway would help in understanding whether these impacts are being assessed and/or addressed. The commenter requested an evaluation of fishery impacts.

Response: With regard to the bottomfish fishery, NMFS is discussing and planning for increased observer coverage. Also, new data forms for observers are being developed to collect more information on protected species. However, the type and degree of observer coverage needed in the bottomfish fishery has yet to be determined.

Comment 67: One commenter recommended that the SAR for Hawaiian monk seals include discussion of some of the research alluded to in previous stock assessments including scat analysis and at-sea tracking. This research had been recommended since at least 1995.

Response: An extensive study of at-sea movements of monk seals was funded and resumed in 2000. Because this SAR only covers information through 1999, this information is not included. A description of the study will appear in the 2002 SAR. No new reports or data summaries are available at this time.

Comment 68: One commenter noted that, although it appears that 246 Hawaiian monk seals have been entangled since 1982, there is little discussion as to when many of these entanglements were observed and no speculation on average annual serious injury and mortality. It is also not clear from the text whether this number is separate from or inclusive of later discussion of monk seals hooked in the pelagic longline fishery and recreational fisheries.

Response: The SAR does not state that 246 seal entanglements in marine debris have occurred. Rather, the report notes that there have been 197 entanglements observed, plus 6 deaths attributed to entanglement in debris. A parenthetical phrase indicating that the three longline hookings are included in the total count of hookings has been added. A reference to a newly published paper has also been added to the revised report, which summarizes the data on entanglement in detail.

Dated: March 4, 2002.

David Cottingham,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 02–5617 Filed 3–7–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022002B]

Caribbean Fishery Management Council; Public Meetings

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

ACTION: Notice of Public Meetings.

SUMMARY: The Caribbean Fishery Management Council's Scientific and Statistical Committee (SSC), Habitat Advisory Panel (HAP), and Advisory Panel (AP) will hold meetings.

DATES: The SSC meeting will be held on March 19, 2002, the HAP meeting will be held on March 20, 2002, and the AP meeting will be held on March 21, 2002. All meetings will be from 10 to 4 p.m.

ADDRESSES: All meetings will be held at the Embassy Suites Hotel, Isla Verde Avenue, Isla Verde, Carolina, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 268 Munoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico 00918–2577, telephone (787) 766–5926.

SUPPLEMENTARY INFORMATION: The SSC, HAP and AP will meet to discuss the items contained in the following agendas:

March 19, 2002—SSC
Call to Order
Adoption of agenda
Queen Conch
  Recovery Plan
Habitat
  EFH Final Guidelines
  MRAG America's Inc. Outline and Discussion of Issues on Essential Fish Habitat (EFH)
  Coral Reef Conservation
Opportunities for Grant Proposals
Other Business

March 20, 2002—HAP
Call to order
Adoption of agenda of Issues on EFH
  Procedure for HAP Comments on Proposed Projects
  Fishing Gear Impact on EFH
  Coral Reef Conservation
Opportunities for Grant Proposals
Other Business

March 21, 2002
Call to order
Adoption of agenda
  Education/Orientation
  Comments
Other Business

The meetings are open to the public, and will be conducted in English. However, simultaneous interpretation (Spanish–English) will be available during the AP meeting (March 21, 2002). Fishers and other interested persons are invited to attend and participate with oral or written statements regarding agenda issues.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. For more information or request for sign language interpretation and other auxiliary aids, please contact Mr. Miguel A. Rolon, Executive Director, Caribbean Fishery Management Council, 268 Munoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico, 00918–2577, telephone (787) 766–5926, at least five days prior to the meeting date.

Dated: March 05, 2002.

Richard W. Surdi,

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

[FR Doc. 02–5623 Filed 3–7–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022602G]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meetings.

SUMMARY: The Open Access Permitting Subcommittee of the Pacific Fishery Management Council's (Council) Ad Hoc Groundfish Strategic Plan Implementation Oversight Committee will hold a telephone conference, which is open to the public.

DATES: The telephone conference will be held Tuesday, March 26, 2002 commencing at 10 a.m. and continuing until business for the day is complete.

ADDRESSES: Four listening stations will be available at the following locations:

1. NMFS Northwest Region, Director's Conference Room, 7600 Sand Point Way NE, Building 1, Seattle, WA 98115, Contact: Mr. Bill Robinson, (206) 526–6142;

2. Pacific Fishery Management Council, East Conference Room, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220–1384, Contact: Mr. Jim Seger, (503) 326–6352;

3. California Department of Fish and Game, Conference Room, Room 1320, 1416 Ninth Street, Sacramento, CA 95814, Contact: Mr. LB Boydstun, (916) 653–6281;

4. Washington Department of Fish and Wildlife, Natural Resource Building, Room 677, 1111 Washington Street SE, Olympia, WA 98501, Contact: (360) 902–2819.

FOR FURTHER INFORMATION CONTACT: Mr. Jim Seger, telephone: (503) 326–6352.

SUPPLEMENTARY INFORMATION: The purpose of the telephone conference is to review preliminary results from a descriptive analysis of the groundfish open access fleet.

Although nonemergency issues not contained in the meeting agenda may come before the subcommittee for discussion, those issues may not be the subject of formal subcommittee action during this meeting. Subcommittee action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the subcommittee's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 326–6352 at least 5 days prior to the meeting date.

Dated: March 4, 2002.

Richard W. Surdi,

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

[FR Doc. 02–5619 Filed 3–7–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022102C]

Marine Mammals; File No. 116–1662

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

ACTION: Receipt of application.

SUMMARY: Notice is hereby given that Sea World, Inc., 7007 Sea World Drive, Orlando, Florida 32821, has applied in due form for a permit to import one beluga whale (*Delphinapterus leucas*) for the purposes of public display.

DATES: Written or telefaxed comments must be received on or before April 8, 2002.

ADDRESSES: The application 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 (301/713–2289);

Regional Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, California 90802, (562/980–4021).

Written comments or requests for a public hearing on this request should be submitted to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular permit request would be appropriate.

Comments may also be submitted by facsimile at (301) 713–0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or other electronic media.

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore or Amy Sloan,(301/713–2289).

SUPPLEMENTARY INFORMATION: The subject permit is requested 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).

The applicant requests authorization to import one male, adult beluga whale (*Delphinapterus leucas*), identified as ''Imaq'', from the Vancouver Aquarium Marine Science Center; British Columbia, Canada to Sea World of California in San Diego, California. The applicant requests this import for the purpose of public display. The receiving facility, Sea World San Diego, 1720 South Shores Road, San Diego, California 92109 is: (1) open to the public on regularly scheduled basis with access that is not limited or restricted other than by charging for an admission fee; (2) offers an educational program based on professionally accepted standards of the AZA and the Alliance for Marine Mammal Parks and Aquariums; and (3) holds an Exhibitor's License, number 93–C–069, issued by the U.S. Department of Agriculture under the Animal Welfare Act.

In addition to determining whether the applicant meets the three public display criteria, NMFS must determine whether the applicant has demonstrated that the proposed activity is humane and does not represent any unnecessary risks to the health and welfare of marine mammals; that the proposed activity by itself or in combination with other activities, will not likely have a significant adverse impact on the species or stock; and that the applicant's expertise, facilities and resources are adequate to accomplish successfully the objectives and activities stated in the application.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: March 1, 2002.

Ann D. Terbush,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 02–5622 Filed 3–7–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Notice, Spectrum Management and Policy Summit

AGENCY: National Telecommunications and Information Administration, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: The National Telecommunications and Information Administration (NTIA) will host a two-day Spectrum Summit, on April 4–5, 2002, that will be open to the public. The purpose of the spectrum management and policy summit is to explore new ideas to develop and implement spectrum policy and management approaches that will make more efficient use of the spectrum; provide spectrum for new technologies; and improve the effectiveness of domestic and international spectrum management processes.

DATES: The Spectrum Summit will be held from 8:30 a.m–5:30 p.m. on Thursday, April 4, 2002, and from 8:30 a.m.–4:15 p.m on Friday, April 5, 2002.

ADDRESSES: The April 4th meeting will be held in the auditorium of the U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC. On Friday, April 5, 2002, meetings will take place at the Ronald Reagan International Trade Center, 1300 Pennsylvania Avenue, NW., Washington, DC, on the Concourse Level. Meetings on both days are open to the public. Seating is limited and is available on a first-come, first-served basis. For updated information and an agenda, please refer to NTIA's webpage at <*http:www.ntia.doc.gov*>. Directions to the Ronald Reagan International Trade Center and meeting room locations can also be accessed through the Trade Center's webpage at <*http:www.itcdc.com*>.

FOR FURTHER INFORMATION CONTACT: Derrick Owens, Office of Spectrum Management, NTIA, telephone (202) 482–1920, or electronic mail: <dowens@ntia.doc.gov>; or Joe Gattuso, Office of Policy Analysis and Development, NTIA, telephone: (202) 482–1880, or electronic mail <*jgattuso@ntia.doc.gov*>. Media inquiries should be directed to the Office of Public Affairs, NTIA, at (202) 482–7002.

SUPPLEMENTARY INFORMATION: NTIA serves as the principal adviser to the President on telecommunications policies as they pertain to the Nation's technological and economic advancement. NTIA is the primary Executive Branch agency responsible for developing and articulating domestic and international telecommunications policies. NTIA also manages use of the radio frequency spectrum by all federal agencies.

Radio spectrum is a key component for many government and private sector telecommunications and commercial services. Over the years, the demand for spectrum to be used for both governmental and commercial purposes has increased significantly. Key government organizations rely on radio spectrum to conduct national security, air traffic control, law enforcement, and other public safety efforts, among many other services. Spectrum use also supports the operations of the most competitive and technologically sophisticated industries in the United States. As such, effective spectrum policy and management is of great importance to the national economy. The increasing spectrum needs of the government and private sector has made the current spectrum management process more difficult, especially as the amount of available, unencumbered spectrum, becomes limited.

The Spectrum Summit, therefore, will focus on policies affecting the management of the Nation's airwaves, on new ideas and approaches to make more efficient use of spectrum, and on making the national and international spectrum processes more effective. NTIA will have the opportunity during the Spectrum Summit to initiate a dialogue with key industries and organizations that use spectrum, economists and analysts, technologists and futurists, and other interested parties. The four major areas of discussion throughout the two-day Spectrum Summit are: (1) Spectrum allocation and planning; (2) spectrum efficiency; (3) spectrum for new technologies; and (4) spectrum management regulatory processes.

Public Participation: These meetings will be open to the public and are physically accessible to people with disabilities. Any member of the public wishing to attend and requiring special services, such as sign language interpretation or other ancillary aid, should contact Derrick Owens or Joe Gattuso at least three (3) days prior to the meeting via the contact information provided above. All persons entering the Department of Commerce and the Ronald Reagan International Trade Center must go through the security screening. To facilitate entry into the Department of Commerce building, please have photo identification available and/or a U.S. Government building pass, if applicable.

Dated: March 5, 2002.

Kathy D. Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 02–5556 Filed 3–7–02; 8:45 am]

BILLING CODE 3510–60–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comments on Short Supply Request under the African Growth and Opportunity Act (AGOA)

March 5, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA)

ACTION: Request for public comments concerning a request for a determination that certain fabrics used for trousers, shorts, skirts, dresses, handkerchiefs, dressing gowns, boxer shorts, and other apparel, cannot be supplied by the domestic industry in commercial quantities in a timely manner.

SUMMARY: On February 28, 2002, the Chairman of CITA received a petition from Esquel Enterprises Limited of Hong Kong and Textile Industries Limited in Mauritius alleging that certain fabrics, listed below, for use in trousers, shorts, skirts, dresses, handkerchiefs, dressing gowns, boxer shorts, and other apparel, as listed below, cannot be supplied by the domestic industry in commercial quantities in a timely manner. It requests that such apparel articles of such fabrics be eligible for preferential treatment under the AGOA. CITA hereby solicits public comments on this request, in particular with regard to whether these fabrics can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be submitted by **March 25, 2002** to the Chairman, Committee for the Implementation of Textile Agreements, Room 3001, United States Department of Commerce, Washington, D.C. 20230.

EFFECTIVE DATE: March 8, 2002.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 112(b)(5)(B) of the AGOA, Section 1 of Executive Order No. 13191 of January 17, 2001.

Fabrics named in the request:
(a) Fabrics of subheadings 5208.21, 5208.22, 5208.29, 5208.31, 5208.32, 5208.39, 5208.41, 5208.42, 5208.49, 5208.51, 5208.52 or 5208.59, of average yarn number exceeding 135 metric;
(b) Fabrics of subheadings 5513.11 or 5513.21, not of square construction, containing more than 70 warp ends and filling picks per square centimeter, of average yarn number exceeding 135 metric;
(c) Fabrics of subheadings 5210.21 or 5210.31, not of square construction, containing more than 70 warp ends and filling picks per square centimeter, of average yarn number exceeding 135 metric;
(d) Fabrics of subheadings 5208.22 or 5208.32, not of square construction, containing more than 75 warp ends and fillings picks per square centimeter, of average yarn number exceeding 135 metric;
(e) Fabrics of subheadings 5407.81, 5407.82 or 5407.83, weighing less than 170 grams per square meter, having a dobby weave created by a dobby attachment, of average yarn number exceeding 135 metric;
(f) Fabrics of subheadings 5208.42 or 5208.49, not of square construction, containing more than 85 warp ends and filling picks per square centimeter, of average yarn number exceeding 85 metric, or exceeding 135 metric if the fabric is of oxford construction (a modified basket weave with a large filling yarn having no twist woven under and over two single, twisted warp yarns);
(g) Fabrics of subheading 5208.51, of square construction, containing more than 75 warp ends and filling picks per square centimeter, made with single yarns, of average yarn number 95 or greater metric;
(h) Fabrics of subheading 5208.41, of square construction, with a gingham pattern, containing more than 85 warp ends and filling picks per square centimeter, made with single yarns, of average yarn number 135 or greater metric, and characterized by a check effect produced by the variation in color of the yarns in the warp and filling;
(i) Fabrics of subheading 5208.41, with the warp colored with vegetable dyes, and the filling yarns white or colored with vegetable dyes, of average yarn number greater than 65 metric.

	Apparel articles named in the request:
Trousers	(subheadings 6203.19, 6203.22, 6204.12, 6204.22, 6204.52, 6204.62, 6211.32, 6211.42, 6217.90),
Shorts	(subheadings 6203.19, 6203.22, 6204.12, 6204.22, 6204.52, 6204.62, 6211.32, 6211.42, 6217.90),
Skirts	(subheadings 6204.12, 6204.22, 6204.52),
Dresses	(subheading 6204.42),
Handkerchiefs	(subheading 6213.20),
Dressing Gowns	(subheading 6208.91),
Boxer Shorts	(subheadings 6207.11, 6207.91, 6208.19, 6208.91), and
Other Apparel	(subheadings 6201.92, 6203.22, 6203.42, 6204.12, 6204.22, 6204.62, 6211.32, and 6211.42).

BACKGROUND:

The AGOA provides for quota- and duty-free treatment for qualifying textile and apparel products. Such treatment is generally limited to products manufactured from yarns or fabrics formed in the United States or a beneficiary country. The AGOA also provides for quota- and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries from fabric or yarn that is not formed in the United States or a beneficiary sub-Saharan African country, if it has been determined that such fabric or yarns cannot be supplied by the domestic industry in commercial quantities in a timely manner. In Executive Order No. 13191, the President delegated to CITA the authority to determine whether yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner under the AGOA and directed CITA to establish procedures to ensure appropriate public participation in any such determination. On March 6, 2001, CITA published procedures in the Federal Register that it will follow in considering requests. (66 FR 13502).

On February 28, 2002, the Chairman of CITA received a petition from Esquel Enterprises Limited of Hong Kong and Textile Industries Limited in Mauritius alleging that certain fabrics, listed above, for use in certain apparel articles, listed above, cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting quota- and duty-free treatment under the AGOA for such apparel articles that are cut and sewn in one or more beneficiary sub-Saharan African countries from such fabrics.

CITA is soliciting public comments regarding this request, particularly with respect to whether such fabrics can be supplied by the domestic industry in commercial quantities in a timely manner. Also relevant is whether other products that are supplied by the domestic industry in commercial quantities in a timely manner are substitutable for the fabrics for the purposes of the intended use. Comments must be received no later than **March 25, 2002**. Interested persons are invited to submit six copies of such comments or information to the Chairman, Committee for the Implementation of Textile Agreements, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, DC 20230.

If a comment alleges that such fabrics can be supplied by the domestic industry in commercial quantities in a timely manner, CITA will closely review any supporting documentation, such as a signed statement by a manufacturer of the yarn or fabric stating that it produces the fabrics that are the subject of the request, including the quantities that can be supplied and the time necessary to fill an order, as well as any relevant information regarding past production.

CITA will protect any business confidential information that is marked business confidential from disclosure for the full extent permitted by law. CITA will make available to the public non-confidential versions of the request and non-confidential versions of any public comments received with respect to a request in room 3100 in the Herbert Hoover Building, 14th and Constitution Avenue, N.W., Washington, DC 20230. Persons submitting comments on a request are encouraged to include a non-confidential version and a non-confidential summary.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.02–5698 Filed 3–6–02; 11:53 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Denial of Short Supply Request under the United States - Caribbean Basin Trade Partnership Act (CBTPA)

March 5, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Denial of the petition alleging that certain fabrics used in women's and girls' blouses cannot be supplied by the domestic industry in commercial quantities in a timely manner.

SUMMARY: On January 4, 2002 the Chairman of CITA received a petition

from School Apparel, Inc. alleging that certain fabrics, classified in subheadings 5210.21 and 5210.31 of the Harmonized Tariff Schedule of the United States (HTSUS) cannot be supplied by the domestic industry in commercial quantities in a timely manner. It requested that women's and girls' blouses of such fabric be eligible for preferential treatment under the CBTPA. Based on currently available information, CITA has determined that these subject fabrics can be supplied by the domestic industry in commercial quantities in a timely manner and therefore denies the petition.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 213(b)(2)(A)(v)(II) of the Caribbean Basin Economic Recovery Act, as added by Section 211(a) of the CBTPA; Section 6 of Executive Order No. 13191 of January 17, 2001.

BACKGROUND:

The CBTPA provides for quota- and duty-free treatment for qualifying textile and apparel products. Such treatment is generally limited to products manufactured from yarns or fabrics formed in the United States or a beneficiary country. The CBTPA also provides for quota- and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more CBTPA beneficiary countries from fabric or yarn that is not formed in the United States or a CBTPA beneficiary country, if it has been determined that such fabric or yarn cannot be supplied by the domestic industry in commercial quantities in a timely manner. In Executive Order No. 13191, the President delegated to CITA the authority to determine whether yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner under the CBTPA. On March 6, 2001, CITA published procedures that it will follow in considering requests. (66 FR 13502).

On January 4, 2002 the Chairman of CITA received a petition from School Apparel, Inc. alleging that certain fabrics, classified in subheadings 5210.21 and 5210.31 of the HTSUS, not of square construction, containing more than 70 warp ends and filling picks per square centimeter, of average yarn number exceeding 70 metric, cannot be supplied by the domestic industry in commercial quantities in a timely manner. It requested that women's and girls' blouses of such fabrics be eligible for preferential treatment under the CBTPA.

On January 10, 2002, CITA solicited public comments regarding this request (67 FR 1330) particularly with respect to whether these fabrics can be supplied by the domestic industry in commercial quantities in a timely manner. On January 29, 2002, CITA and the Office of the U.S. Trade Representative offered to hold consultations with the relevant Congressional committees. We also requested that advice of the U.S. International Trade Commission and the relevant Industry Sector Advisory Committees.

CITA has determined that certain fabrics, classified in sub-headings 5210.21 and 5210.31 of the HTSUS, not of square construction, containing more than 70 warp ends and filling picks per square centimeter, of average yarn number exceeding 70 metric, used in the production of women's and girls' blouses, can be supplied by the domestic industry in commercial quantities in a timely manner. On the basis of currently available information, including its review of the petition, public comments and advice received, and its understanding of the industry, CITA has found that there is domestic capacity to produce these fabrics. School Apparel's request is denied.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.02–5699 Filed 3–6–02; 11:53 am]

BILLING CODE 3510–DR–S

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Notice of Availability of Funds To Strengthen Communities and Organizations in Using Service and Volunteers To Support Homeland Security

AGENCY: Corporation for National and Community Service.

ACTION: Notice of funding availability.

SUMMARY: The Corporation for National and Community Service (hereinafter the ''Corporation'') announces the availability of fiscal year 2002 funds to eligible organizations for the purpose of strengthening community efforts in support of homeland security. The Corporation defines homeland security to include programs that support public safety, public health, and disaster preparedness and relief. Approximately $5 million is available for new grants under the AmeriCorps*State competitive and AmeriCorps*National programs, $5 million for new grants under Special Volunteer Programs, and $1.4 million to support Retired and Senior Volunteer Program (RSVP) volunteers.

Following the information that is common to all Corporation programs listed above, there is a specific section for each program funding opportunity.

DATES: Applications for all categories must arrive at the Corporation no later than 5:00 p.m., Eastern Daylight Time, on May 8, 2002. The Corporation will not accept applications that are submitted via facsimile. Due to delays in delivery of regular USPS mail to government offices, there is no guarantee that your application will arrive in time to be considered. We suggest that you use USPS priority mail or a commercial overnight delivery service.

We anticipate announcing selections under this notice no later than June 28, 2002.

ADDRESSES: Applications for AmeriCorps*State, AmeriCorps*National and Special Volunteer Programs must be submitted to the Corporation at the following address: Corporation for National and Community Service, Attn: Nancy Talbot, 1201 New York Avenue NW, Box H.S., Washington, DC 20525. Applications for Retired and Senior Volunteer Programs must be submitted to the same address, Attn: John Keller. This Notice is available in an alternative format for people with visual impairments.

FOR FURTHER INFORMATION CONTACT: For further information, contact one of the following: Nancy Talbot at 202–606–5000 x470 (*ntalbot@cns.gov*) for questions about Special Volunteer Programs; Peter Heinaru at 202–606–5000 x302 (*pheinaru@cns.gov*) for questions about AmeriCorps*State and National; and John Keller at 202–606–5000 x554 (*jkeller@cns.gov*) for questions about the Retired and Senior Volunteer Corps. The TDD number is 202–565–2799.

SUPPLEMENTARY INFORMATION:

Background

The Corporation is a Federal Government corporation that encourages Americans of all ages and backgrounds to engage in community-based service to meet the nation's educational, public safety, environmental and other human needs. In doing so, the Corporation fosters civic responsibility, strengthens the ties that bind us together as a people, and provides educational opportunity for

those who make a substantial commitment to service. This year, the Corporation will help support more than 1.5 million Americans who perform substantial service in communities across the country.

On November 8, President Bush announced that the Corporation will support homeland security in the coming year in three major areas: public safety; public health; and disaster mitigation and preparedness. The President said:

''Many ask, 'What can I do to help in our fight?' The answer is simple. All of us can become a September the 11th volunteer by making a commitment to service in our own communities. So you can serve your country by tutoring or mentoring a child, comforting the afflicted, housing those in need of shelter and a home.

''You can participate in your neighborhood watch or Crimestoppers. You can become a volunteer in a hospital, emergency medical, fire or rescue unit. You can support our troops in the field and, just as importantly, support their families here at home by becoming active in the USO or groups in communities near our military installations.

''We also will encourage service to country by creating new opportunities within the AmeriCorps and Senior Corps programs for public safety and public health efforts.''

In the State of the Union address, the President announced the USA Freedom Corps that will build on the great American ethic of service. The USA Freedom Corps will promote a culture of responsibility, service, and citizenship. It will work with key service agencies in government and the nonprofit sector to provide incentives and new opportunities to serve at home and abroad. The USA Freedom Corps will draw on help from Americans of all ages and of every background. The Corporation for National and Community Service and its programs—National Senior Service Corps, AmeriCorps, and Learn and Serve America—are part of the efforts under the USA Freedom Corps.

The Corporation's support for homeland security includes:

Public Safety

Public safety is one of the four primary service activities for AmeriCorps, Senior Corps, and Learn and Serve America. Thousands of volunteers serve with and for police departments, fire departments, rescue teams, emergency response agencies, and land management agencies. They are not armed, nor can they make arrests, but they carry out vital tasks including organizing neighborhood watch groups, community policing, victim assistance, fingerprinting and other tasks that free officers and other professionals to do front line work. In its first five years, AmeriCorps has organized 46,000 safety patrols, and in one year alone senior volunteers carried out 131,000 patrols that freed up 540,000 hours of police time.

Public Health

Currently, AmeriCorps members, Learn and Serve America participants, and Senior Corps volunteers fulfill a variety of public health roles including assisting in immunizing children and adults, serving as case managers, distributing health information, and providing health screenings. Last year alone, AmeriCorps members distributed health information materials to 500,000 people and provided health screenings to 181,000 individuals, while Senior Corps volunteers assisted in immunizing 270,000 children and adults. Learn and Serve America students, faculty, and teachers developed education materials on a broad range of health topics, served in clinics, and provided needed medical care in underserved areas.

Disaster Preparedness and Relief

AmeriCorps members, including the National Civilian Community Corps, and Senior Corps volunteers have a long track record of working with Federal Emergency Management Agency and other relief agencies in helping communities to respond to disasters. Learn and Serve America participants respond to local disasters as well. National and community service participants help run emergency shelters, assist law enforcement, provide food and shelter, manage donations, assess and repair damage, and help families and communities rebuild. Since September 11, many have been actively engaged in relief efforts.

Purpose of Grants

The grants made under this announcement are to assist communities in getting involved in the war against terrorism on the home front.

In the area of public safety, the grants will help provide AmeriCorps members, senior volunteers, students, and other community members to support police departments, fire departments and other local agencies such as rescue units and parks and recreation departments. These participants will free up local personnel to meet their front-line responsibilities by performing administrative tasks and other supportive functions that can be performed by non-sworn officers.

In the area of public health, AmeriCorps members, senior volunteers, students, and others will support public health agencies in outreach and information dissemination and administrative support.

In the area of disaster relief and preparedness, AmeriCorps members, senior volunteers, students, and others will perform a wide variety of activities that support immediate and long-term recovery efforts, as well as preparedness and mitigation. These individuals will run emergency shelters, help law enforcement, provide food and shelter, manage donations, assess and repair damage, and help families and communities rebuild. Members and volunteers may also support disaster preparation and mitigation activities.

Types of Activities

In general, activities must fall within the categories of public safety, public health, or disaster response and preparedness. To be responsive to this Notice the activities must relate to homeland security and to the current challenges that communities face. A grant may support programs that:

- Organize communities to identify and respond to crime and disorder problems through existing community organizations, law enforcement, schools, institutions of higher education, and the business community. Such programs may conduct needs assessments and identify resources to support improvements, such as the creation of Neighborhood Watch programs.
- Mobilize volunteers to assist police departments, fire departments, and other agencies involved in public security.
- Provide support for professional or volunteer fire departments, including a range of administrative duties, fire prevention and outreach, public education, and emergency response.
- Organize, conduct, and support community-based immunization programs related to public health concerns.
- Expand health services and support available through local public health clinics.
- Address public health concerns, particularly bio-terrorism, that provide resources to the community through door-to-door contact, school-based meetings, community meetings, and other means.
- Develop materials, identify resources, and educate the public through a variety of means to build awareness of and readiness for both natural disasters and intentional criminal/terrorist attacks.
- Provide immediate support to relief agencies responding to a disaster. Services may include relief of rescue workers, search and rescue, first aid,

coordination of emergency supplies, and establishment of communication links for relief workers.
- Support long-term recovery efforts associated with the impact of disasters.
- Support disaster preparedness or mitigation.
- Identify community assets to respond to disasters and identify improvements that are needed for effective response.
- Recruit community volunteers with specific expertise to support homeland security (e.g., retired individuals who worked during their career in the fields of public safety, public health, and emergency preparedness).
- Expand the capacity of nonprofit organizations and schools to support homeland security, such as the initiation of volunteer programs.
- Mobilize volunteers to support homeland security activities on a community-wide and/or statewide basis.

The above are examples only. Local communities will determine the best strategies for integrating service and volunteering into homeland security efforts. The Corporation expects all activities we support under this announcement to relate to or be part of the Citizen Corps that the Federal Emergency Management Agency is charged with bringing together in communities. If there is no Citizen Corps in an area where you propose program activities, the activities should be part of a community-wide or statewide strategy to strengthen homeland security.

We encourage programs to make use of volunteers from throughout the community, including students and senior volunteers, to design and implement programs. We expect that resources from a variety of sources will be employed and that multiple organizations will work together effectively. Because of statutory requirements, an entity seeking to sponsor more than one program (AmeriCorps, Special Volunteer Programs, RSVP) described in this Notice must submit separate applications, noting its proposed relationships between the programs.

The Corporation also encourages efforts that will have a lasting impact on strengthening homeland security in the communities being served. It may be advantageous, for example, to use a ''train the trainers'' model where a program trains teachers or first aid workers, who in turn use their new skills to educate children or community volunteers. Applicants should address in the application narrative plans for assuring the sustainability and long-lasting effects of activities supported with these grants.

For more information on the programs supported by the Corporation, see our Web site at *www.nationalservice.org.*

Eligible Applicants and Submissions

Eligible applicants are described below under each program category, Category A. AmeriCorps* State and AmeriCorps National programs, Category B. Special Volunteer Programs and Category C. Retired and Senior Volunteer Program. A single organization may submit the same application only once, and should specify the category for which it is applying. A single organization may submit different applications that propose entirely different activities to more than one category. Within a category, an organization may submit only one application. If an organization seeks to sponsor programs in more than one category, it should note the proposed relationship between the programs in each application.

Applicants that have never received funding from the Corporation are eligible and encouraged to apply for funding under this Notice. Applicants currently operating or applying for Corporation funding may apply for funding under this Notice. In doing so, the applicant must differentiate between the proposed objectives and activities and those of its currently-funded national service program or pending application.

Selection Criteria

In awarding these grants, the Corporation will consider: program design (60%); organizational capacity (25%); and budget/cost effectiveness (15%). The details of the selection criteria are contained in each application package. The Corporation anticipates that the final awardees in the aggregate will represent a mix of homeland security activities in the areas of public safety, public health, and disaster preparedness and relief. In evaluating proposals, the Corporation will use its discretion to achieve such a mix. The Corporation will make all final decisions concerning awards and may require revisions to the grant proposal in order to achieve the objectives under this Notice.

Program Period of Performance

The Corporation will make awards covering a period not to exceed three years. Applications must include a proposed budget and proposed activities for the entire award period. If the Corporation approves an application and enters into a multi-year award agreement, the Corporation will initially provide funding based only on the first year's budget. The Corporation has no obligation to provide additional funding. Additional funding is contingent upon satisfactory performance, the availability of funds, and other criteria established in the award agreement.

Notice of Intent To Apply

In order to gauge the number of applications we are likely to receive, we request that applicants send an email by April 1, 2002, to the individual named below in each specific category (AmeriCorps, Special Volunteer Programs and RSVP). The email notice of intent should state that you plan to submit an application for the homeland security competition by the applicable deadline. Although submission of the notice of intent to apply is not mandatory, we encourage you to submit one to help the Corporation to plan more efficiently for our review.

The notice should include the name of your organization, address, contact person, phone number. State commissions should email a letter of intent that includes an estimate of the number of subgrantee programs they plan to submit to the Corporation.

Additional Information Concerning the Specific Funding Available

*Category A: AmeriCorps*State and AmeriCorps*National*

Number and Amount of Awards

The Corporation will make available approximately $5 million under this announcement for AmeriCorps*State and National programs. We anticipate funding approximately 10 to 15 grant awards ranging from $200,000 to $750,000. The Corporation will consider requests to use a portion of the $5 million in new funds earmarked for AmeriCorps*State competitive and National to expand existing programs.

Eligible Applicants

*For AmeriCorps*State competitive funds*, generally any eligible entity, including Indian tribes and faith-based organizations, proposing to operate a program within a single state may apply for these funds. These organizations should apply to the relevant state commission for funds. Because North Dakota, South Dakota, and U.S. territories other than American Samoa do not have state commissions, entities proposing to operate a program within these states or territories are not eligible

for AmeriCorps*State competitive funds.

*For AmeriCorps*National funds*, nonprofit organizations, including faith-based organizations, that will operate a program in two or more states are eligible to seek funding under this category directly from the Corporation. Eligible applicants also include partnerships or consortia formed across two or more states that consist of institutions of higher education, Indian tribes, or other nonprofits, including labor and religious organizations.

An organization described in Section 501(c)(4) of the Internal Revenue Code, 26 U.S.C. 501(c)(4), that engages in lobbying activities is not eligible to apply, serve as a host site for members, or act in any type of supervisory role in the program.

Allowable Costs

Applicants for AmeriCorps funds generally are required to meet previously published (application guidelines and instructions) limitations on per-member costs to be paid by the Corporation. However, we will consider granting a waiver if the applicant demonstrates a strong need in its program design for flexibility.

Additional Requirements Under This Announcement

Applicants must propose activities for AmeriCorps members to support homeland security. Proposals that do not address homeland security through service and volunteering will be judged nonresponsive. Applicants should consider relating program activities to a Citizen Corps planning team or initiative. In the event that a Citizen Corps has not been identified or is not underway, then applicants must demonstrate that they are part of a community-wide or statewide effort to support homeland security. One way that eligible organizations can demonstrate that they are part of a coordinated strategy is to apply in consortia with one organization serving as the legal applicant or to have a statewide or local entity coordinating homeland security (*e.g.*, mayor's office) be the grant applicant.

Volunteer mobilization is a requirement under this Notice. Applicants must include a plan for mobilizing non-paid volunteers, *e.g.*, seniors, students, or members of the community of all ages and backgrounds, in the design of their program. Applicants that do not mobilize volunteers as part of their program activities will not be considered for funding.

Application Instructions

All eligible applicants must meet all of the applicable requirements contained in this Notice. Eligible applicants under AmeriCorps*State competitive funds, other than state commissions themselves, should contact the state commission for application guidelines and instructions and specific deadline information. A complete listing of state commissions, as well as contact information, is available on the Corporation's website, www.americorps.org.

Eligible applicants under AmeriCorps*National can obtain a copy of the application guidelines and instructions from the Corporation website.

For a printed copy of any of these materials, please contact Shelly Ryan at 202–606–5000, x549 (*sryan@cns.gov*).

Applicants are urged to pay close attention to these application materials. They contain a wide variety of relevant requirements, including matching funds, AmeriCorps member benefits, the activities in which AmeriCorps members may engage, and the requirements for organizations proposing to operate a program.

Please email your intent to apply by April 1, 2002, to Shelly Ryan at *sryan@cns.gov*.

Application Dates

Applications must arrive at the Corporation no later than 5 p.m., Eastern Daylight Time, on May 8, 2002. The Corporation will not accept applications that are submitted via facsimile. Due to delays in delivery of regular USPS mail to government offices, there is no guarantee that your application will arrive in time to be considered. We suggest that you use USPS priority mail or a commercial overnight delivery service.

We anticipate announcing AmeriCorps*National selections under this Notice no later than June 28, 2002.

Application Address

Proposals must be submitted to the Corporation at the following address: Corporation for National and Community Service, Attn: Nancy Talbot, 1201 New York Avenue NW., Box H.S., Washington, DC 20525.

For Further Information Contact

For further information, contact Peter Heinaru at 202–606–5000 x302 (*pheinaru@cns.gov*). The TDD number is 202–565–2799. This Notice is available in an alternative format for people with visual impairments.

Legal Authority

AmeriCorps*State competitive and AmeriCorps*National programs are authorized by the National Community Service Act of 1990, as amended, 42 U.S.C. 12571–12595.

Category B. Special Volunteer Programs

Number and Amount of Awards

The Corporation will make available approximately $5 million under this announcement for grants to support Special Volunteer programs. We anticipate funding approximately 25 grant awards ranging from $100,000 to $500,000. Grantees may make subgrants to local groups.

Eligible Applicants

Eligible applicants include: state commissions on national and community service; nonprofit organizations operating in more than one state; consortia of local nonprofit organizations, including faith-based organizations; and public entities at the state and local level.

An organization described in Section 501(c)(4) of the Internal Revenue Code, 26 U.S.C. 501(c)(4), that engages in lobbying activities is not eligible to apply, serve as a host site for volunteers, or act in any type of supervisory role in the program.

Purpose of Special Volunteer Programs

The statutory purpose of Special Volunteer Programs is to strengthen and supplement efforts to meet a broad range of needs, including those in low-income communities, by encouraging ''persons from all walks of life and from all age groups to perform meaningful and constructive service.'' Programs funded under this category must propose activities to support homeland security. Such activities may include:

- Mobilization of community volunteers to support public safety.
- Volunteers providing support for emergency response teams.
- Mobilization of the faith-based community to support public safety and public health agencies.
- Capacity building grants to enable public agencies to make maximum use of volunteer mobilization.
- Service-learning programs that work with seniors to address homeland security issues.
- Dissemination of information to senior centers and schools, as well as training for teachers and youth workers concerning homeland security.

The above are examples. Any questions concerning whether a proposed activity is eligible under this

category should be directed to Nancy Talbot at 202–606–5000 ext.470, (*ntalbot@cns.gov*).

While programs in this category may include volunteers of all ages, they should primarily involve seniors in service. Service options for this program may include volunteer service that is part-time, full-time, short-term or episodic service. The applicant determines the options that will make the program successful.

Allowable Costs

The grant may support reasonable and necessary costs typically associated with a program of this type. Grant funds are for management and administrative support for volunteer activities related to homeland security, with particular emphasis on involving seniors in service. In general, funds are not available for stipends under this category. If modest stipends are to be paid to leaders or others serving on a full-or substantial part-time basis, the applicant should specify the amounts. Such amounts should be very limited and are justifiable only when necessary to encourage service on a sustained basis (*e.g.*, minimum of 15–20 hours per week for a year).

Although there is no minimum matching requirement for grants under this category, grantees are required to provide a non-federal contribution (cash or in-kind) and must identify the sources(s) and amount(s) of the contribution.

Additional Requirements Under This Announcement

There are no restrictions for participation concerning age or income. The Corporation anticipates that the majority of individuals involved will be seniors. Veterans are encouraged to participate. The applicant must demonstrate the involvement of seniors in the program and will be asked, if a grant is awarded, to document the participation of those 55 years of age and older. The program design should be replicable.

Applicants should consider relating program activities to a Citizen Corps planning team or initiative. In the event that a Citizen Corps has not been identified or is not underway, then applicants must demonstrate that they are part of a community-wide or statewide effort to support public health, public safety or emergency preparedness. One way that eligible organizations can demonstrate that they are part of a coordinated strategy is to apply in consortia with one organization serving as the legal applicant or to have a statewide or local entity coordinating homeland security (*e.g.,* mayor's office) be the grant applicant. In addition, applicants must propose activities to support homeland security.

Proposals that do not address homeland security through service and volunteering will be judged nonresponsive.

Applicants currently operating or applying for Corporation funding may apply for funding under this Notice. In doing so, the applicant must differentiate between the proposed objectives and activities and those of its currently funded national service program or pending application.

Application Instructions

All eligible applicants must submit an application that meets all of the requirements contained in this Notice. Eligible applicants under Special Volunteer Programs can obtain a copy of the application from Nancy Talbot at 202–606–5000, ext. 470 (*ntalbot@cns.gov*). Applicants are urged to pay close attention to these application materials.

Please email your intent to apply by April 1, 2002, to Shelly Ryan at *sryan@cns.gov.*

Application Dates

Applications must arrive at the Corporation no later than 5 p.m., Eastern Daylight Time, on May 8, 2002. The Corporation will not accept applications that are submitted via facsimile. Due to delays in delivery of regular USPS mail to government offices, there is no guarantee that your application will arrive in time to be considered. We suggest that you use USPS priority mail or a commercial overnight delivery service.

We anticipate announcing Special Volunteer Program selections under this Notice no later than June 28, 2002.

Application Address

Proposals must be submitted to the Corporation at the following address: Corporation for National and Community Service, Attn: Nancy Talbot, 1201 New York Avenue NW., Box H.S., Washington, DC 20525.

For Further Information Contact

For further information, contact Nancy Talbot at 202–606–5000 x470, (*ntalbot@cns.gov*). The TDD number is 202–565–2799. This Notice is available in an alternative format for people with visual impairments.

Legal Authority

The demonstration authority for Special Volunteer Programs, 42 U.S.C. 4991–4993, authorizes the Corporation to make grants to pay for the federal share of support to service programs that strengthen and supplement efforts to meet a broad range of needs.

Category C: New Grants Under the Retired and Senior Volunteer Program (RSVP)

Number and Amount of Awards

The Corporation will make available approximately $1,400,000 under this announcement to support up to 2,800 Retired and Senior Volunteer Program (RSVP) volunteers serving in roles that strengthen homeland security. We anticipate funding approximately 14 new federally-funded RSVP grant projects in geographic areas currently unserved by RSVP. The average amount of the awards will be approximately $100,000.

Eligible Applicants

Public agencies (including state and local agencies and other units of government), non-profit organizations, including faith-based organizations, institutions of higher education and Indian Tribes are eligible to apply. Sponsors of RSVP projects that receive no funds from the Corporation, other than funding for Programs of National Significance (PNS), are eligible to apply. Current sponsors of RSVP Projects funded by the Corporation are not eligible to apply under this Notice.

An organization described in Section 501(c)(4) of the Internal Revenue Code, 26 U.S.C. 501(c)(4), that engages in lobbying activities is not eligible to apply, serve as a host site for volunteers, or act in any type of supervisory role in the program.

Purpose of RSVP

Under RSVP the Corporation provides grants to eligible organizations for the dual purpose of engaging persons 55 and older in volunteer service to meet critical community needs and to provide a high quality experience that will enrich the lives of volunteers. RSVP matches volunteers' skills, life experiences, and interests with priority needs across the nation.

In 2000, RSVP included 766 local projects with over 470,000 RSVP volunteers contributing over 78 million hours of service to their communities through a network of 67,500 local non-profit and community-based organizations. RSVP serves in more than 1,400 counties nationally. Last year alone, RSVP volunteers carried out 131,000 patrols that freed up 540,000 hours of police time, assisted in immunizing 270,000 children and adults, and since September 11, many

have been actively engaged in relief efforts and strengthening disaster response capacity in their communities.

Allowable Costs

The grant may support reasonable and necessary costs typically associated with a program of this type. Such costs are delineated in the RSVP application guidelines and instructions.

Additional Requirements Under This Announcement

Applicants should consider relating program activities to a Citizen Corps planning team or initiative. In the event that a Citizen Corps has not been identified or is not underway, then applicants must demonstrate that they are part of a community-wide or statewide effort to support public health, public safety or emergency preparedness. Applicants that are not part of such an effort will not be considered for funding. In addition, applicants must propose activities to support homeland security. Proposals that do not address homeland security through service and volunteering will be judged nonresponsive.

There are no restrictions concerning the geographic location of an applicant. However, projects proposed under this Notice must be in geographic areas currently unserved by RSVP. An organization currently receiving funds under the Retired and Senior Volunteer Program may apply for similar program activities through ''programs of national significance.''

Application Instructions

All eligible applicants must submit an application that meets all of the criteria and requirements contained in this Notice. Application guidelines and instructions can be downloaded from the Corporation's Web site, *www.nationalservice.org;* or obtained by contacting the appropriate Corporation State Office. Information on how to contact state offices is located on our website: click on ''Contact Us'' at the bottom of the page.

Applicants are urged to pay close attention to these application materials. They contain a wide variety of relevant requirements, including non-federal contributions, the amounts of stipends volunteers may receive, and the requirements for organizations proposing to operate a program.

Please email your intent to apply by April 1, 2002, to John Keller at *jkeller@cns.gov.*

Application Dates

Applications must arrive at the Corporation for National and Community Service by 5:00 p.m. (Eastern Daylight Time), May 8, 2002. The Corporation will not accept applications that are submitted via facsimile. Due to delays in delivery of regular USPS mail to government offices, there is no guarantee that your application will arrive in time to be considered. We suggest that you use USPS priority mail or a commercial overnight delivery service.

We anticipate announcing RSVP selections under this Notice no later than June 28, 2002.

Application Address

Proposals must be submitted to the Corporation at the following address: Corporation for National and Community Service, Attn: John Keller, 1201 New York Avenue NW., Box H.S., Washington, DC 20525.

For Further Information Contact

For further information, contact John Keller at 202–606–5000 ext. 554, (*jkeller@cns.gov*). The TDD number is 202–565–2799. This Notice is available in an alternative format for people with visual impairments.

Legal Authority

RSVP programs are authorized by the Domestic Volunteer Service Act, 42 U.S.C. 5001.

Dated: March 4, 2002.

Gary Kowalczyk,

Coordinator, National Service Programs.

[FR Doc. 02–5520 Filed 3–7–02; 8:45 am]

BILLING CODE 6050–$$–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Announcement Concerning Corporation Program Resources and Homeland Security

AGENCY: Corporation for National and Community Service.

ACTION: Announcement concerning Corporation program resources and homeland security.

SUMMARY: The Corporation for National and Community Service (hereinafter the ''Corporation'') announces that organizations which currently receive program grant funds or any type of Federal program assistance from the Corporation and use service and volunteering as a strategy to meet community needs may redirect program activities to support homeland security. The Corporation defines homeland security to include programs supporting public safety, public health, and disaster preparedness and relief.

FOR FURTHER INFORMATION CONTACT: For further information, contact Nancy Talbot at 202–606–5000 ext. 470 (*ntalbot@cns.gov*).

SUPPLEMENTARY INFORMATION:

Background

In the State of the Union address, the President announced the USA Freedom Corps that will build on the great American ethic of service. The USA Freedom Corps will promote a culture of responsibility, service, and citizenship. It will work with key service agencies in government and the nonprofit sector to provide incentives and new opportunities to serve at home and abroad. The USA Freedom Corps will draw on help from Americans of all ages and of every background. The Corporation and its programs—National Senior Service Corps, AmeriCorps, and Learn and Serve America—are part of the efforts under the USA Freedom Corps.

The Corporation's support for homeland security includes:

Public Safety

Public safety is one of the four primary service activities for AmeriCorps, Senior Corps, and Learn and Serve America. Thousands of volunteers serve with and for police departments, fire departments, rescue teams, emergency response agencies, and land management agencies. They are not armed, nor can they make arrests, but they carry out vital tasks including organizing neighborhood watch groups, community policing, victim assistance, fingerprinting and other tasks that free officers and other professionals to do front line work. In its first five years, AmeriCorps has organized 46,000 safety patrols, and in one year alone senior volunteers carried out 131,000 patrols that freed up 540,000 hours of police time.

Public Health

Currently, AmeriCorps members, Learn and Serve America participants, and Senior Corps volunteers fulfill a variety of public health roles including assisting in immunizing children and adults, serving as case managers, distributing health information, and providing health screenings. Last year alone, AmeriCorps members distributed health information materials to 500,000 people and provided health screenings to 181,000 individuals, while Senior Corps volunteers assisted in immunizing 270,000 children and adults. Learn and Serve America students, faculty, and teachers developed education materials on a broad range of health topics, served in

clinics, and provided needed medical care in underserved areas.

Disaster Preparedness and Relief

AmeriCorps members, including the National Civilian Community Corps, and Senior Corps volunteers have a long track record of working with FEMA and other relief agencies in helping communities to respond to disasters. Learn and Serve America participants respond to local disasters as well. National and community service participants help run emergency shelters, assist law enforcement, provide food and shelter, manage donations, assess and repair damage, and help families and communities rebuild. Since September 11, many have been actively engaged in relief efforts.

Corporation Announcement Concerning Existing Volunteer and Service Programs

The Corporation announces that organizations that currently receive program grant funds or any type of federal program assistance from the Corporation and use service and volunteering as a strategy to meet community needs are encouraged, where appropriate, to direct activities to support homeland security in the three areas described above—public safety, public health, and disaster preparedness and relief. This notice applies to all Corporation grantees, including state commissions on national and community service, nonprofit organizations, state education agencies, institutions of higher education, and state and local governments.

In general, organizations receiving Corporation program grants or federal program assistance have considerable flexibility to focus activities on meeting community needs. The Corporation encourages all organizations to consider directing resources toward the needs associated with homeland security. Please address any specific questions concerning the flexibility to redirect any available resources to your appropriate program officer at the Corporation. Any material change in activity that will prevent your organization from accomplishing the objectives for which the grant was issued requires that you notify the Corporation in writing and that the Corporation provides you written approval. Similarly, changes in applicable budget categories, as specified in the grant provisions, requires written approval. To ensure that you are aware of any specific requirements concerning the redirection of Corporation resources or activities, we advise you to inform your appropriate program officer of your proposed changes.

Dated: March 4, 2002.

Gary Kowalczyk,

Coordinator, National Service Programs.

[FR Doc. 02–5521 Filed 3–7–02; 8:45 am]

BILLING CODE 6050–$$–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission of OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Consideration will be given to all comments received by April 8, 2002.

Title, Form, and OMB Number: DoD Building Pass Application; DD Form 2249; OMB Nunber 0704–0328.

Type of Request: Reinstatement.

Number of Respondents: 102,000.

Responses per Respondent: 1.

Annual Responses: 102,000.

Average Burden Per Response: 6 minutes.

Annual Burden Hours: 10,200.

Needs and Uses: This information is used by officials of Security Services, Defense Protective Services, Washington Headquarters Services to maintain a listing of personnel who are authorized a DoD Building Pass. The information collected from the DD Form 2249 is used to verify the need for and to issue a DoD Building Pass to DoD personnel, other authorized U.S. Government personnel, and DoD consultants and experts who regularly work in or require frequent and continuing access to DoD owned or occupied buildings in the National Capital Region.

Affected Public: Individuals or Households; Business or Other For-Profit.

Frequency: On Occasion.

Respondent's Obligation: Required to Obtain or Retain Benefits.

OMB Desk Officer: Ms. Jackie Zeiher.

Written comments and recommendations on the proposed information collection should be sent to Ms. Zeiher at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DoD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: March 4, 2002.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 02–5608 Filed 3–7–02; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Final Programmatic Environmental Impact Statement (PEIS)—Army Transformation

AGENCY: Department of the Army, DoD.

ACTION: Notice of availability

SUMMARY: The Department of the Army announces the availability of the Final PEIS for Army Transformation.

The PEIS details the environmental concerns which may affect various aspects of Army transformation including, but not limited to: unit location; materiel acquisition and testing; training areas; range requirements; and strategic deployment.

DATES: Written comments received within 30 days of the publication of this Notice of Availability by the Environmental Protection Agency (EPA) in the **Federal Register** for this action will be considered by the Army during final decision making.

ADDRESSES: To obtain a copy of the PEIS write to Headquarters, Department of the Army, ATTN: DAMO–FMF (Mr. Jim Lucas), 400 Army Pentagon, Washington, DC 20310–0400 or access the Army Homepage at www.army.mil/a–z.htm, and scroll to Programmatic Environmental Impact Statement. The PEIS has been posted at this website to facilitate public access and comment. Comments may also be provided to the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Jim Lucas, (703) 692–4653 or by writing to Headquarters, Department of the Army, ATTN: Army G–3 (DAMO–FMF), 400 Army Pentagon, Washington, DC 20310–0400.

SUPPLEMENTARY INFORMATION: The prospect of a rapidly changing and more turbulent, unpredictable, global security environment underscores the need for a high level of U.S. defense preparedness. To meet the challenges of a wider range of threats and a more complex set of operating environments, the U.S. will require an Army capable of rapid response and dominance across the entire spectrum of operations in joint,

interagency, and multinational configurations. Today's Army force structure and supporting systems were designed for a different era and enemy. They lack the capability to operate optimally across the full range of likely future operations. The Army's superb heavy forces are unequalled in their ability to gain and hold terrain in the most intense, direct fire combat imaginable, and, once deployed, are the decisive element in major theater wars. The current heavy forces, however, are challenged to get to contingencies where we have not laid the deployment groundwork; and once deployed, these forces have a large logistical footprint. On the other hand, the Army's current light forces can strike quickly but lack survivability, lethality and tactical mobility once inserted. Therefore, to meet the defense challenges of the future and provide the National Command Authority the decisive land power forces necessary to support the National Security Strategy and National Military Strategy, the Secretary of the Army and the Chief of Staff of the Army have articulated a clear Army Vision that includes transforming the most respected Army in the world into a strategically responsive force that is dominant across the full spectrum of operations.

The Army proposes to implement transformation as rapidly as possible, while continually maintaining the warfighting readiness of its operational forces, improving its installations and business practices, and taking care of its people. The proposed program of Army transformation would be the mechanism used to integrate and synchronize the implementation of the Army Vision. To validate early transformation concepts, an initial force of two brigade combat teams at Fort Lewis, Washington, is receiving off-the-shelf equipment to support evaluation and refinement of new doctrinal organizational concepts. An interim force of six to eight brigade combat teams will following the future. The Interim Force would be a transition force—one that seeks the objective force state-of-the-art technology, but leverages today's technology together with modernized legacy forces as a bridge to the future. The objective force would be the force that achieves our transformation objective. It would be a future force that would be a strategically responsive Army capable of dominating at every point across the full spectrum of operations and rapidly transitioning across mission requirements without loss of momentum. It would be able to operate as an integral member of joint, multinational, interagency teams and would be dominant against the asymmetric application of conventional, unconventional, and weapons of mass destruction threat capabilities.

The PEIS complies with the National Environmental Policy Act (NEPA) of 1969. Implementation of the Army transformation, as envisioned, will be a major undertaking entailing a series of changes in equipment, force structure and training practices. As changes are proposed for specific sites and for equipment acquisition and testing, there will likely be a range of adverse and beneficial effects on the environment. The PEIS informs the public, regulators, concerned groups and Army decision-makers about potential environmental concerns that should be factored into all aspects of Army transition. Additionally, the PEIS provides all stakeholders with an opportunity to present their views to Army decision makers.

Alternatives: (1) No Action Alternative: Whereby Army transformation would not be implemented and needed changes to Army equipment, force structure and training practices would be separately analyzed on a piecemeal basis; (2) Action Alternative: Whereby Army transformation, as envisioned by Army decision-makers, would be implemented to better meet present and future national security requirements and fulfill the Army Vision.

Significant issues: The PEIS addresses issues including noise, impacts to wetlands and riparian areas, soil erosion, air and water quality, endangered species, and cultural resources.

Public Comment: Comments received as a result of the NOA will be used to assist the Army in final decision making. Individuals or organizations may participate in this process by written comment by mail or by facsimile through the Army Homepage web site www.army.mil/a-z.htm, scrolling to Programmatic Environmental Impact Statement. To be considered in the final decision making process, comments and suggestions should be received no later than 30 days following the EPA announcement of the availability of the PEIS in the **Federal Register.** Questions regarding this PEIS may be directed to Headquarters, Department of the Army at the above address or by facsimile transmission to (703) 692–4735.

Dated: March 1, 2002.

Raymond J. Fatz,

Deputy Assistant Secretary of the Army, (Environment, Safety and Occupational Health) OASA (I&E).

[FR Doc. 02–5552 Filed 3–7–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Intent To Prepare an Environmental Impact Statement (EIS) for Force Transformation and Mission Capability Enhancements, Joint Readiness Training Center and Fort Polk, LA and Long Term Military Training Use of Kisatchie National Forest Lands

AGENCY: Department of the Army, DoD; Forest Service, USDA.

ACTION: Notice of Intent.

SUMMARY: The Joint Readiness Training Center (JRTC) and Fort Polk (Army), and the Forest Service (USDA), Region 8, Kisatchie National Forest, as lead and cooperation agencies respectively, are initiating the preparation of an EIS pursuant to Section 102(2)(C) of the National Environmental Policy Act. This EIS will evaluate potential impacts associated with the Army's proposal for implementing force transformation and mission capability enhancements at the JRTC and Fort Polk, Louisiana, along with long-term military training use of the Kisatchie National Forest. Based on the results of the EIS and consideration of all relevant factors, the Army will determine how best to provide for military training, readiness and facilities requirements. The Forest Service will determine what military activities and land uses may occur on national forest lands and how best to balance military and non-military uses. The EIS will also serve as a foundation for the Army's application to the Forest Service to renew its permit for continued use of portions of the Kisatchie National Forest. A range of alternatives, including no action, will be considered in the EIS. Action alternatives will include options for construction, siting and design of facilities and the types and intensities of maneuver and gunnery exercises to occur within the following areas: Army lands at Fort Polk and Peason Ridge Training Area; portions of the Vernon Unit and Kisatchie District of the Kisatchie National Forest designated as the

Intensive Use Area, Limited Use Area and Special Limited Use Area under the Army's current Special Use Permit; and at England Industrial Airpark, the Army's port of embarkation at Alexandria, Louisiana. Military use of surrounding private, non-residential lands under contractual lease or other agreement will also be evaluated.

DATES: All comments must be received or postmarked by May 7, 2002 to be considered in the preparation of the Draft EIS.

ADDRESSES: Please send written comments to: Dan Nance, Public Affairs Office, 7073 Radio Road, Fort Polk, LA 71459–5342; fax: (337) 531–6014; e-mail: eis@polk.army.mil.

FOR FURTHER INFORMATION CONTACT: Stacy Basham-Wagner, Joint Agency Liaison, Attention: AFZX–PW–E (Basham-Wagner), 1799 23rd Street, Fort Polk, LA 71459; telephone: (337) 531–7458, fax: (337) 531–2627; or Dan Nance, Public Affairs Office, 7073 Radio Road, Fort Polk, LA 71459–5342; telephone: (337) 531–7203, fax: (337) 531–6014.

SUPPLEMENTARY INFORMATION: The Kisatchie National Forest encompasses approximately 604,000 acres of national forest land in northwest and west-central Louisiana. The JRTC and Fort Polk is located in Vernon Parish, in west-central Louisiana. The main post consists of 107,024 acres that are divided between Army fee-owned land on the northern portion of the post (66,998 acres) and Forest Service fee-owned land on the southern portion (40,026 acres) referred to as the Intensive Use Area (IUA). The IUA is used intensively by the Army under the terms of a Special Use Permit (SUP) agreement between the Forest Service and Fort Polk. An area contiguous to and south of the main post is used for less intensive military training under the terms of the SUP an is known as the Limited Use Area (LUA). The LUA consists of 44,799 acres that are fee-owned and managed by the Forest Service. Peason Ridge is a non-contiguous training area north of the main post consisting of Army lands (33,011 acres) and Forest Service lands (480 acres). North of Peason Ridge is an area referred to as the Special Limited Use Area (SLUA) in the SUP, consisting of 12,820 acres. The SLUA is made available for limited training by JRTC and Fort Polk.

The JRTC, established at Fort Polk in 1993, is the only Combat Training Center devoted to and capable of supporting Army light infantry brigade-level training. JRTC training focuses on training light infantry with support from armor, mechanized equipment, and aircraft. Ten JRTC rotations (extensive field training exercises for visiting Army brigade and supporting Air Force, Navy and Marine units) are normally conducted at Fort Polk each year, with an average of more than 5,000 troops involved in each training event.

Fort Polk also serves as an Army power projection platform from which fores deploy by air, rail and sea to areas of operation around the world. It is home to the 2d Armored Cavalry Regiment (Light) (2d ACR) and several other rapid deployment and combat service support units. In addition to the 2d ACR, active Army units assigned to Fort Polk include the 519th Military Police Battalion (519th MP Bn); the Warrior Brigade, consisting of the 46th Engineer Battalion, 83d Chemical Battalion, 115th Field Hospital, 142d Corps Support Battalion, and Headquarters and Headquarters Company, U.S. Army Garrison; and the 1st Battalion, 509th Infantry (1–509 IN), which portrays the Opposing Force during JRTC rotations. Fort Polk also provides training opportunities for the 256th Brigade (Mechanized) (Enhanced), Louisiana Army National Guard (LANG) and various reserve component units.

In October 1999, the Secretary of the Army and the Chief of Staff of the Army articulated a vision to posture the Army to meet the demands of the 21st century: The Army Vision is about people, readiness, and transformation. Transformation addresses the need for change based on emerging security challenges of the 21st century. Chief among these challenges is the need to be able to respond more rapidly to different types of operations requiring military action. Toward these ends, the Army will field an Interim Force to address strategic near-term capability gaps and to validate and develop operational concepts on which subsequent transformation planning and implementation activities can logically build. Ultimately, the Army will field an Objective Force designed to render the Army more responsive, deployable, agile, versatile, lethal, survivable, and sustainable.

In support of Army initiatives to meet evolving security requirements, the Army has designated the 2d ACR to transform as an element of the Interim Force to the 2d Interim Cavalry Regiment (2d ICR), a medium-weight force that is strategically responsive and more rapidly deployable by air. In addition to transformation of the 2d ACR, other medium-weight, brigade-sized Interim Force elements—known as Interim Brigade Combat Teams (IBCTs)—would participate in rotational exercises at JRTC and Fort Polk.

To these ends, the Army proposes to implement force transformation and mission capability enhancements at JRTC and Fort Polk with respect to home station training (maneuver and gunnery exercises for Army units assigned to Fort Polk), rotational unit exercises, and facilities construction. The purpose of the proposed action is to bring the Interim Force to operational capability and to support an ICR that will function as part of the Interim Force; to provide realistic, advanced field training, modernized weapons training, and performance evaluation opportunities for IBCTs and other Army brigades; and to provide training lands and supporting facilities for both rotational brigades and for forces assigned to Fort Polk. The need for the proposed action is to provide the Nation with capabilities that meet current and evolving national defense requirements.

The proposed action involves federal jurisdictions of the Army and Forest Service. The decision to be made by the Army, based on the results of the EIS and upon consideration of all relevant factors (including mission, cost, technical factors, and environmental considerations) is how best to provide for military training, readiness and facilities requirements while ensuring the sustained use of resources entrusted to the stewardship of the Army. The decision to be made by the Forest Service is what military activities and land uses may occur on national forest lands and how best to balance military and non-military uses while sustaining resources entrusted to Forest Service stewardship. In addition, the information compiled in the EIS will serve as a foundation for the Army's application to the Forest Service to renew its permit for continued use of Kisatchie National Forest lands.

The Army's proposed actions associated with force transformation and mission capability enhancements at JRTC and Fort Polk may be categorized into the following six activity groups:

(1) Systems Fielding. This activity group involves fielding of new and modernized vehicles, weapons systems and equipment for Interim Forces, including the Mobile Gun System and a family of interim armored vehicles (IAVs).

(2) Construction. This activity group includes construction, modernization and revitalization of buildings, training facilities (*e.g.*, live fire ranges), and infrastructure. Proposed construction activities and infrastructure improvements are divided according to location in one of six areas: Fort Polk

cantonment areas; Fort Polk maneuver areas and ranges; Peason Ridge maneuver areas and ranges; Forest Service IUA; Forest Service LUA; and England Industrial Airpark, the Army's port of embarkation at Alexandria, Louisiana.

—*Fort Polk Cantonment Areas:* Proposed construction activities within the Fort Polk cantonment areas include repair of the Fort Polk Army airfield and taxiway and construction of the following: (a) A new 77,500 square foot Mission Training Support Facility, (b) an aircraft maintenance hangar at the Fort Polk airfield, (c) a deployment storage facility, (d) an arms storage facility, (e) a battalion headquarters and materials maintenance center, (f) a company headquarters facility, (g) a consolidated rigging facility, and (h) a pre-positioned equipment and maintenance complex.

—Fort Polk Maneuver Areas and Ranges. Proposed construction activities in the Fort Polk maneuver areas and ranges include: (a) Digitization of the existing Multi-Purpose range Complex, (b) construction of a sniper range at an existing small arms range and a pallet processing facility, and (c) expansion of the existing alert holding area and the ammunition supply point.

—*Forest Service IUA:* Construction activities proposed in the IUA include: (a) Approximately 18 miles of new road construction and improvements, including stream crossings, and (b) modernization of existing firing ranges.

—*Forest Service LUA:* Proposed construction activities in the LUA include: (a) Stream crossing and road/trail improvements at up to 38 sites, (b) upgrade of existing roads and road segments, and (c) potential construction of new roads.

—England Industrial Air Park. Proposed construction activities at England Industrial Air Park include: (a) Construction of ammunition loading pads, (b) a passenger processing facility, and (c) upgrade of the north aircraft ramp.

(3) Land Transaction. This activity group involves Army use of lands through permit, lease or other agreement. Proposed land transactions include continued use of Kisatchie National Forest lands through Special Use Permit agreement between the Army and Forest Service and use of private, non-residential lands under contractual lease or other agreement. No acquisition of land through purchase or withdrawal of public domain lands is proposed.

(4) Deployment. This activity group involves operational deployment of forces, as well as training that is specifically tied to deployment of forces. Deployment or training for deployment of Army units from Fort Polk would occur at England Industrial Airpark or by rail or seaport.

(5) Training. This activity group involves achieving and maintaining readiness to perform assigned missions, along with management of training ranges and maneuver areas. Proposed training includes both brigade-level training rotations at JRTC and training exercises for Army units assigned to Fort Polk.

—*JRTC Rotational Exercises:* Proposals related to JRTC rotational exercises pertain to (a) continuation of field training exercises involving conventional light infantry brigades (two battalions in the field), (b) expanded operations and larger field training exercises involving conventional light infantry brigades (three battalions in the field), (c) the use of new vehicles and tactics and expanded field training exercises involving IBCTs (three battalions in the field), (d) the use of additional tracked vehicles in armor and mechanized battalion rotations, (e) continuation of mission rehearsal exercises, and (f) changes in equipment and use of additional vehicles by Opposing Forces.

—*Home Station Training:* Proposals related to home station exercises (i.e., maneuver and gunnery training for Army units assigned to Fort Polk) pertain to (a) new training requirements for the 2d ACR as it transforms to become the 2d ICR, (b) continued training of the 519th MP Bn, (c) continued training of the Warrior Brigade, including designation of additional simulant release sites in support of biological detection system (BIDS) training, (d) continued training of the 1–509th IR in its role as Opposing Forces for rotational units and (e) continued training of the LANG.

(6) Environmental Stewardship. Proposed environmental stewardship activities include continuation of the following: (a) Implementation of approved Army and Forest Service management and monitoring requirements for the red-cockaded woodpecker and its habitat, (b) implementation of approved integrated natural and cultural resource management plans, (c) management of Exemplary Natural Areas, (d) implementation of sustainable design and development principles, (e) development and implementation of adaptive ecosystem management strategies and practices, and (f) development and implementation of an Environmental Management System for JRTC and Fort Polk.

Scoping and Public Involvement: The scoping process begun by this notice of intent will help to clarify issues of major concern, may identify any information sources available to analyze and evaluate impacts, and obtain public input on the range and acceptability of alternatives. Based on the results of scoping the Army and Forest Service will develop a range of alternatives, including no action. Action alternatives will include options for construction, siting and design of facilities and the types and intensities of maneuver and gunnery exercises to occur within Army lands at Fort Polk and Peason Ridge; the IUA, LUA and SLUA of the Kisatchie National Forest; and at England Industrial Airpark in Alexandria, Louisiana. Military use of surrounding private, non-residential lands under contractual lease or other agreement will also be evaluated.

The Army and Forest Service recognize numerous issues of concern that will affect selection of alternatives and identification of issues to be addressed in the EIS. A representative listing of such issues includes: changes in operational training intensity, sustainability of training lands (maneuver areas and ranges), historic land uses and changes in land conditions, red-cockaded woodpecker status and recovery, status of Management Indicator Species and their habitats, rare and sensitive species, soil erosion, surface and groundwater resources, scenic streams and streamside management zones, air quality, energy consumption, pollution prevention, socioeconomic conditions, recreational opportunities and public access, noise, road conditions and other effects on LUA residents and surrounding communities, and cumulative effects. Additional issues of concern may be identified as a result of the scoping process.

The Army and Forest Service invite the general public, local governments, Federally recognized Indian tribes, other Federal agencies, and state agencies to submit written comments concerning the scope of the issues to be addressed, alternatives to be analyzed, and the environmental impacts and cultural impacts to be addressed in the DEIS. The Army and Forest Service will jointly conduct open houses/workshops to enable the submission of oral or

written comments by all interested parties. Oral and written comments will be considered equally in preparation of the DEIS. The open house/workshops will be held in Shreveport, Leesville, and Baton Rouge, Louisiana, in March 2002. The dates, times, and specific locations of the open house/workshops will be announced at least 15 days before each session. Persons or organizations unable to attend the open house/workshop sessions are invited to submit written comments not later than 60 days from the date of this NOI to the individual and office shown in the addresses given above.

Dated: March 1, 2002.

Raymond J. Fatz,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health) OASA(I&E).

[FR Doc. 02–5566 Filed 3–7–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to amend a system of records.

SUMMARY: The Department of the Army is amending a system of records notice in its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

The category of records entry is being amended to better define those individual pieces of data contained in the reports maintained in the system.

DATES: This proposed action will be effective without further notice on April 8, 2002, unless comments are received which result in a contrary determination.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC–PDD–RP, Stop 5603, 6000 6th Street, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the records system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: March 1, 2002.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0380–13 DAMO

SYSTEM NAME:

Local Criminal Intelligence Files (February 22, 1993, 58 FR 10002).

CHANGES:

SYSTEM IDENTIFIER:

Delete entry and replace with 'A0190–45a DAMO'.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with 'Any individual suspected or involved in criminal activity directed against or involving the United States Army.'

CATEGORIES OF RECORDS IN THE SYSTEM:

Add to entry 'Information includes subject's name, aliases, addresses, phone number, date of birth, source of investigation, risk analysis, reports, threat assessments, retention control sheets, victims names, names of informants, names of law enforcement officers and investigators, and subject's group affiliations, if any.'

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete second paragraph. Any release of information from this system of records for law enforcement purposes is covered under the DoD 'Blanket Routine Use' for law enforcement.

* * * * *

RETRIEVABILITY:

Delete entry and replace with 'By individual's name, Social Security Number, and/or date of birth.'

* * * * *

A0190–45a DAMO

SYSTEM NAME:

Local Criminal Intelligence Files.

SYSTEM LOCATION:

At all designated Army commands, installations and activities. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual suspected or involved in criminal activity directed against or involving the United States Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports and supporting documents of criminal activity directed against or involving the U.S. Army. Information includes subject's name, aliases, addresses, phone number, date of birth, source of investigation, risk analysis, reports, threat assessments, retention control sheets, victims names, names of informants, names of law enforcement officers and investigators, and subject's group affiliations, if any.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; Army Regulation 380–13, Acquisition and storage of Information Concerning Non-Affiliated Persons and Organizations; Army Regulation 190–45, Law Enforcement Reporting; Army Regulation 195–2, Criminal Investigation Activities; and E.O. 9397 (SSN).

PURPOSE(S):

To enable designated Army officials, commanders, or civil criminal justice agencies to meet their responsibilities maintaining law and order through investigation and possible judicial action. To identify individuals in an effort to anticipate, prevent or monitor possible criminal activity directed against or involving the U.S. Army.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic tape/disc, and on electronic storage media.

RETRIEVABILITY:

By individual's name, Social Security Number, and/or date of birth.

SAFEGUARDS:

Only authorized personnel have access to files. Physical security

measures include locked containers/storage areas, controlled personnel access, and continuous presence of authorized personnel.

RETENTION AND DISPOSAL:

Criminal intelligence reports and cross-index cards belonging to the Headquarters, Criminal Investigation Division, are destroyed when no longer needed, except for reports of current operational value. These reports are reviewed yearly for continued retention, not to exceed 20 years, and then destroy. The records maintained at the Regional Headquarters are destroyed after 5 years. Records maintained at District, field office and elements designated by region commanders are destroyed after 3 years or when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Operations and Plans, Military Operations, 400 Army Pentagon, Washington, DC 20310–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Deputy Chief of Staff for Operations and Plans, Military Operations, 400 Army Pentagon, Washington, DC 20310–0400.

Individual should provide their full name, Social Security Number, date of birth, and address.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Deputy Chief of Staff for Operations and Plans, Military Operations, 400 Army Pentagon, Washington, DC 20310–0400.

Individual should provide their full name, Social Security Number, date of birth, and address.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Subjects, witnesses, victims, Military Police and U.S. Army Criminal Investigation Command personnel and special agents, informants, various Department of Defense, federal, state and local investigative and law enforcement agencies, departments or agencies of foreign governments, and any other individuals or organizations which may supply pertinent information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principle function any activity pertaining to the enforcement of criminal laws.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

[FR Doc. 02–5365 Filed 3–7–02; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DOD.

ACTION: Notice to Alter a System of Records.

SUMMARY: The Department of the Army is altering a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on April 8, 2002 unless comments are received which result in a contrary determination.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC–PDD–RP, Stop 5603, 6000 6th Street, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on February 22, 2002, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: March 4, 2002.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0190–9 DAMO

SYSTEM NAME:

Absentee Case Files (February 22, 1993, 58 FR 10002).

CHANGES:

SYSTEM LOCATION:

Delete entry and replace with 'U.S. Army Personnel Control Facility, U.S. Army Desert Information Point, Building 1481, Fort Knox, KY 40121–5000.'

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with 'Active duty Army, U.S. Army Reserve on active duty or in active duty training status, and Army National Guard personnel on active duty, absent without authority from their place of duty, listed as absentee, and/or who have been designated as a deserter.'

CATEGORIES OF RECORDS IN THE SYSTEM:

Add to entry 'individual's name, Social Security Number, grade'.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with 'In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Information may be disclosed to the Department of Veterans Affairs for assistance in determining whereabouts of Army deserters through the Veterans and Beneficiaries Identification and Records Locator Subsystem.

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.'

* * * * *

A0190–9 DAMO

SYSTEM NAME:

Absentee Case Files.

SYSTEM LOCATION:

U.S. Army Personnel Control Facility, U.S. Army Desert Information Point,

Building 1481, Fort Knox, KY 40121–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Army, U.S. Army Reserve on active duty or in active duty training status, and Army National Guard personnel on active duty, absent without authority from their place of duty, listed as absentee, and/or who have been designated as a deserter.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, grade, reports and records which document the individual's absence; notice of unauthorized absence from U.S. Army which constitutes the warrant for arrest; notice of return to military control or continued absence in hands of civil authorities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army, Army Regulation 190–9, Absentee Deserter Apprehension Program and Surrender of Military Personnel to Civilian Law Enforcement Agencies; Army Regulation 630–10, Absence Without Leave, Desertion, and Administration of Personnel Involved in Civilian Court Proceedings; and E.O. 9397 (SSN).

PURPOSE(S):

To enter data in the FBI National Crime Information Center 'wanted person' file; to ensure apprehension actions are initiated/terminated promptly and accurately; and to serve management purposes through examining causes of absenteeism and developing programs to deter unauthorized absences.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Information may be disclosed to the Department of Veterans Affairs for assistance in determining whereabouts of Army deserters through the Veterans and Beneficiaries Identification and Records Locator Subsystem.

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

STORAGE:

Paper documents and the record copy of the Arrest Warrant are maintained in the Official Military Personnel Files; verified desertion data are stored on the Deserter Verification Information System at the U.S. Army Deserter Information Point.

RETRIEVABILITY:

Manually, by name; automated records are retrieved by name, plus any numeric identifier such as date of birth, Social Security Number, or Army serial number.

SAFEGUARDS:

Access is limited to authorized individuals having a need-to-know. Records are stored in facilities manned 24 hours, 7 days a week. Additional controls which meet the physical, administrative, and technical safeguard requirements of Army Regulation 380–19, Information Systems Security, are in effect.

RETENTION AND DISPOSAL:

Automated records are erased when individual returns to military custody, is discharged, or dies. Paper or microform records remain a permanent part of the individual's Official Military Personnel File.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Operations and Plans, ATTN: DAMO–ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the U.S. Army Deserter Information Point, U.S. Army Enlisted Records Center, Indianapolis, IN 42649–5301.

Individual should provide the full name, Social Security Number and/or Army serial number, address, telephone number and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the U.S. Army Deserter Information Point, U.S. Army Enlisted Records Center, Indianapolis, IN 46249–5301.

Individual should provide the full name, Social Security Number and/or Army serial number, address, telephone number and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Unit commander, first sergeants, subjects, witnesses, military police, U.S. Army Criminal Investigation Command personnel and special agents, informants, Department of Defense, federal, state, and local investigative and law enforcement agencies, departments or agencies of foreign governments, and any other individuals or organizations which may furnish pertinent information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principle function any activity pertaining to the enforcement of criminal laws.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

[FR Doc. 02–5609 Filed 3–7–02; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Notice of Intent To Prepare a Draft Environmental Impact Statement for the Proposed Mare Island Disposal Ponds—Commercialization, Solano County, CA

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (USACE), San Francisco District has received an application for a Department of the Army authorization from Roy F. Weston, Inc. (Weston) on behalf of the City of Vallejo, California to deposit up to 11.4 million cubic yards of regionally-dredged material into seven dredged disposal ponds covering an area of 359-acres on the western side of Mare Island in the City of Vallejo in Solano County, California. In accordance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), the USACE has determined that the proposed action may have a significant impact on the quality of the human environment and therefore requires the

preparation of the Environmental Impact State (EIS). A combined Environmental Impact Report (EIR)/EIS will be prepared with the USACE as the Federal lead agency and the City of Vallejo as the local lead agency (under the California Environmental Quality Act, or CEQA).

The purpose of the proposed action is to provide for the commercial operation of the former Naval dredge disposal ponds through a 50-year sublease from the City of Vallejo to Weston under the City's long-term lease of the property from the California State Lands Commission.

DATES: A scoping meeting for this project will be held on March 13, 2002, 7 p.m. to 9 p.m.

ADDRESSES: The Scoping meeting will be held at the Vallejo City Hall, 555 Santa Clara, Vallejo, California, 94592. Mail comments to: Elizabeth Dyer, U.S. Army Corps of Engineers, 333 Market Street, CESPN–OR–R, San Francisco, California 94105–2197, or; Brian Dolan, City of Vallejo Planning Department, P.O. Box 3068, 555 Santa Clara Street, Vallejo, California, 94590.

FOR FURTHER INFORMATION CONTACT:

Elizabeth Dyer, 415–977–8451, or electronic mail: *edyer@spd.usace.army.mil.*
Brian Dolan, 707–649–5458, or electronic mail: bdolan@ci.vallejo.ca.us

SUPPLEMENTARY INFORMATION:

1. *Description of Proposed Action:* The project is limited to Weston's commercial operation of the former Naval dredge disposal ponds through a 50-year sublease from the City of Vallejo under the City's long-term lease of the property from the State Lands Commission. Individual dredging projects that select the proposed facility as a disposal site are not the subject of this permit application and would require separate review and authorization by the department of the Army. If alternative future uses for the ponds, such as community recreational uses or rehandling facilities are proposed, separate environmental assessments and permit evaluations will have to be conducted for those uses.

The scope of this project is limited to using the seven ponds (2N, 2M, 2S, 4N, 4M, 4S, and 7) during Weston's operation of the site.

a. Install a permanent slurry pipeline from the Carquinez Straits near Pier 35 to Ponds 4S and 2S along the rights-of-way for Tyler and Ribeiro roads.

b. Maintain existing roadways and improve infrastructure that may include roadway upgrades, pump facilities, piping and appurtenances.

c. Use dredge material to increase pond capacity by raising the levees of the seven ponds. Increasing pond capacity will result in pond area loss of up to 17.9 acres of waters of the United States. No mitigation has been proposed for this permanent fill.

d. Transport material in sealed trucks from Pier 35 and mechanically place material from smaller projects into the Pond 7, the one existing separate pond closest to the offloading area.

e. Offload hydraulically or with a mechanical crane dredged material form scows in the vicinity of Pier 35. Fro large projects, the use of dilution water pumped from the Carquinez Straits would involve the temporary and periodic installation of hydraulic offloading equipment and a floating slurry discharge pipe in the waters of Carquinez Strait near Pier 35.

f. Hydraulically place dredged material slurry into six contiguous ponds (2N, 2M, 2S, 4N, 4M, 4S) using a combination of existing and new distribution piping from the offloading area to the six contiguous ponds.

g. Use of gravity settling methods on the placed dredged material slurry to allow solids to separate from excess water in the six contiguous ponds.

h. Discharge clarified decants water by gravity to San Pablo Bay that will meet Regional Water Quality Control Board (RWQCB) waste discharge requirements for effluent.

2. *Reasonable Alternatives:* In accordance with the requirements of Section 15124 of the State CEQA Guidelines and 40 CFR 1502.14, reasonable alternatives to the proposed action will be evaluated in the Draft EIR/EIS as listed below:

a. *Proposed Action (Preferred Alternative):* This alternative is the proposed action and is described above.

b. *No Action Alternative:* All seven ponds remain seasonal wetland habitat.

c. *Effluent Discharge into Carquinez Strait:* In this alternative, effluent would be piped from the southern most perimeter of ponds 2S and 4S and discharge into Carquinez Strait in the vicinity of Pier 5.

d. *Effluent Water Recycling:* In this alternative, effluent would be piped from the southern most perimeters of ponds 2S and 4S of Pond 7.

3. *Scoping Process:* Pursuant to CEQA and NEPA, the City of Vallejo and the USACE must include a scoping process for the Draft EIR/EIS. Scoping primarily involves determining the scope of the issues to be addressed in the Draft EIR/EIS and identifying the anticipated significant issues for in-depth analysis. The scoping process included public participation to integrate public needs and concerns regarding the proposed action into the process.

a. *Public Involvement Program:* Venues for public comment on the proposed action will include: a public workshop to be conducted jointly by the City of Vallejo and the USACE; the preparation of the Draft EIR/EIS and receipt of public comment in response to the Draft EIR/EIS; and public hearings.

b. *Significant Issues to be Analyzed in Depth in the Draft EIR/EIS:* The EIS will address the following issues: impacts to aquatic, wetland, and upland ecosystems; water flows; socio-economic impacts; hazardous and toxic waste; water quality; aesthetics and recreation; fish and wildlife resources, including protected species; cultural resources; and other impacts identified through scoping public involvement, and interagency coordination.

c. *Environmental Review/ Consultation Requirements:*

- National Environmental Policy Act
- Section 404 of Clean Water Act
- Section 10 of Rivers & Harbors Act
- Endangered Species Act
- Magnusun-Stevens Act Provisions; Essential Fish Habitat
- Clean Air Act
- National Historic Preservation Act
- Fish and Wildlife Coordination Act
- Coastal Zone Management Act
- Council on Environmental Quality Memorandum—Analysis of Impacts on Prime and Unique Agricultural Lands

4. *Scoping Meeting/Availability of Draft EIR/EIS:* The City of Vallejo and the USACE will hold a scoping meeting to provide information on the project and receive oral comments on the scope of the document. The scoping meeting for the project will be held at 7:00 PM on Tuesday March 13th, 2002 at the Vallejo City Hall, located at 555 Santa Clara in the City of Vallejo. The Draft EIR/EIS is expected to be available for public review in June 2002.

(Authority: 40 CFR part 1501.7)

Dated: February 26, 2002.

Calvin C. Fong,

Chief, Regulatory Branch.

[FR Doc. 02–5515 Filed 3–7–02; 8:45 am]

BILLING CODE 3710–19–M

DEPARTMENT OF EDUCATION

McKinney-Vento Education for Homeless Children and Youths Program

AGENCY: Department of Education, Office of Elementary and Secondary Education.

ACTION: Notice of school enrollment guidelines.

SUMMARY: The Secretary issues guidelines on the enrollment of homeless children and youth in schools. The Secretary takes this action under the McKinney-Vento Homeless Assistance Act. These guidelines are designed to help States expedite the school enrollment of homeless children and youth.

School Enrollment Guidelines

I. Background

Section 724(g) of the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act), as reauthorized by the No Child Left Behind Act of 2001 (NCLB) (Pub. L. 107–110), requires the Secretary of Education (Secretary) to develop, issue, and publish in the **Federal Register**, no later than 60 days after the date of enactment of the NCLB, school enrollment guidelines that describe (1) successful ways that a State can assist local educational agencies (LEAs) in immediately enrolling homeless children and youth in school; and (2) how a State can review its requirements regarding immunization and medical or school records and make whatever revisions are appropriate and necessary to immediately enroll homeless children and youth in school.

Under the McKinney-Vento Homeless Children and Youths Program, State educational agencies (SEAs) must ensure that homeless children and youth have equal access to the same free public education, including a public preschool education, as is provided to other children and youth. States must review and undertake steps to revise any laws, regulations, practices, or policies that may act as barriers to the enrollment, attendance, or success in school of homeless children and youth.

School districts and schools may not separate homeless students from the mainstream school environment on the basis of their homelessness. Homeless students must also have access to the education and other services that they need to have an opportunity to meet the same challenging State academic achievement standards to which all students are held. (Congressional Statement of Policy in section 721 of the McKinney-Vento Act.)

In their reports to the Department under the McKinney-Vento program, many States indicated that they have made progress in addressing school enrollment barriers faced by homeless students. However, these States acknowledged that lack of transportation, immunization requirements, lack of school records, and other problems continue to cause enrollment difficulties. The guidelines in this notice provide examples of successful or promising enrollment practices based on our review of national studies and evaluations and our analysis of reports describing effective enrollment strategies.

II. Definitions

Section 725 of the McKinney-Vento Act defines the following terms:

(a) *Homeless children and youth* means individuals who lack a fixed, regular, and adequate nighttime residence. The term includes—

(1) Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(2) Children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(3) Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(4) Migratory children (as defined in section 1309 of the Elementary and Secondary Education Act of 1965, as amended) who qualify as homeless because they are living in circumstances described in this definition.

(b) *Enroll* and *enrollment* include attending classes and participating fully in school activities.

(c) *Unaccompanied youth* includes a youth not in the physical custody of a parent or guardian.

III. Statutory Enrollment Provisions

(A) State Responsibilities Regarding Enrollment

The McKinney-Vento Act requires States to implement a number of measures to eliminate enrollment barriers faced by homeless children and youth. These measures include the following:

(1) Developing Strategies To Overcome Enrollment Delays Resulting From a Lack of Records and Other Issues

Each SEA must prepare a State plan that describes, among other things, the State's strategies for addressing problems resulting from enrollment delays that are caused by immunization and medical records requirements; residency requirements; lack of birth certificates, school records, or other documentation; guardianship issues; and uniform or dress code requirements. (Section 722(g)(1)(H)) The plan must demonstrate that the SEA and LEAs in the State have developed, and will review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in school. (Section 722(g)(1)(I))

(2) Prohibiting the Segregation of Homeless Children and Youth

The State plan must contain assurances that the SEA and LEAs in the State will adopt policies and practices to ensure that homeless children and youth are not stigmatized or isolated on the basis of their status as homeless. (Section 722(g)(1)(J)(i))

There is a limited exception in section 722(e)(3) to the prohibition against segregating homeless students that applies only to schools in four ''covered counties''—San Joaquin County, CA; Orange County, CA; San Diego County, CA; and Maricopa County, AZ—if certain statutory conditions are met. The Secretary may issue separate instructions concerning this exception to the affected LEAs and to the two States in which they are located.

(3) Assisting LEA Liaisons

In its plan, an SEA must assure that every LEA in the State will designate an appropriate staff person to serve as a liaison for homeless children and youth (Section 722(g)(1)(J)(ii)). The liaison will help ensure that homeless children and youth enroll in, and have a full opportunity to succeed in, schools of that LEA. (Section 722(g)(6)(A))

The Coordinator for Education of Homeless Children and Youth in each State must, among other things, provide technical assistance to LEA liaisons to ensure that LEAs comply with the legislative requirements, including student enrollment requirements. (Section 722(f)(6))

(4) Addressing Transportation Barriers

In its plan, an SEA must assure that the State and its LEAs will adopt practices and policies to ensure that LEAs provide or arrange for the transportation of homeless children and youth, at the request of the parent or guardian—or, in the case of an unaccompanied youth, the liaison—to and from the homeless child's or youth's school of origin. (Section 722(g)(1)((J)(iii)) The McKinney-Vento Act defines ''school of origin'' as the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled. (Section 722(g)(3)(G)) (The

transportation provisions are discussed in greater detail in (III)(b)(6) of the enrollment guidelines in this notice.)

(B) LEA Responsibilities Regarding Enrollment

The McKinney-Vento Act also requires LEAs to implement a number of measures to eliminate enrollment barriers faced by homeless children and youth. These measures include the following:

(1) Making School Placement Determinations on the Basis of the Best Interest of the Child

Homeless children and youth frequently move, so maintaining a stable school environment is critical to their success in school. To ensure this stability, the legislation requires that LEAs make school placement determinations on the basis of the ''best interest'' of the homeless child or youth. (Section 722(g)(3)(A))

In making a placement determination, an LEA must, according to the child's or youth's best interest—

(a) Continue the child's or youth's education in the school of origin—

(i) For the duration of homelessness if a family becomes homeless between academic years or during an academic year; or

(ii) For the remainder of the academic year if the child or youth obtains permanent housing during an academic year; or

(b) Enroll the child or youth in any public school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

In determining best interest, an LEA must, to the extent feasible, keep a homeless child or youth in the school of origin, unless doing so is contrary to the wishes of the child's or youth's parent or guardian. (Section 722(g)(3)(B)(i)) If an LEA sends a homeless child or youth to a school other than the school of origin or a school requested by the parent or guardian, the LEA must provide a written explanation of its decision to the parent or guardian, together with a statement regarding the right to appeal the placement decision. (Section 722(g)(3)(B)(ii)) Similar provisions apply to an LEA's placement of an unaccompanied youth. (Section 722(g)(3)(B)(iii))

(2) Immediately Enrolling Homeless Children and Youth and Providing Assistance With Obtaining Records

A school that an LEA selects on the basis of the best interest determination must immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment (such as previous academic records, medical records, proof of residency, or other documentation). (Section 722(g)(3)(C)(i))

The enrolling school must immediately contact the school last attended by the child or youth to obtain relevant academic or other records. (Section 722(g)(3)(C)(ii)) If a child or youth needs to obtain immunizations, or immunization or medical records, the enrolling school must immediately refer the parent or guardian to the LEA homeless liaison, who must assist in obtaining the immunizations or records. (Section 722(g)(3)(C)(iii)

Any record ordinarily kept by a school regarding each homeless child or youth must be maintained so that it is available in a timely fashion when the child enters a new school or school district. (Section 722(g)(3)(D))

(3) Handling Enrollment Disputes

If a dispute arises between a school district and parents or guardians over school selection or enrollment, the LEA must immediately enroll the child or youth in the school in which the parent or guardian seeks enrollment, pending resolution of the dispute. (Section 722(g)(3)(E)(i)) The LEA must provide to the parent or guardian a written statement of the school placement decision and the appeal rights. (Section 722(g)(3)(E)(ii)) The LEA must refer the child, youth, parent, or guardian to the LEA liaison, who must expeditiously carry out the dispute resolution process described in the State plan. (Section 722(g)(3)(E)(iii)) Similar protections apply to unaccompanied youth. (Section 722(g)(3)(E)(iv))

(4) Prohibiting the Segregation of Homeless Children and Youth

An LEA may not educate homeless children and youth in settings in which they are segregated from non-homeless students, but must mainstream them into the regular school environment. (Section 722(g)(1)(J)(i)) LEAs may segregate homeless students from other students only as necessary for short periods of time (a) for health or safety emergencies, or (b) to provide temporary, special, and supplementary services to meet the unique needs of homeless students. (Section 723(a)(2)(B)(ii)) Thus, LEAs may not maintain segregated schools or facilities for homeless children and youth.

As noted previously, the Secretary may issue separate guidance for the LEAs in the four ''covered counties'' to which a limited exception to this fundamental principle applies and to the two States in which they are located.

(5) Designating an LEA Liaison

Every LEA in States receiving funds under the McKinney-Vento Act must designate an LEA liaison. (Section 722(g)(1)(J)(ii)) The responsibilities of the liaison include ensuring that—

(a) Children and youth experiencing homelessness enroll in, and have a full and equal opportunity to succeed in, schools of that LEA;

(b) The LEA informs the parents or guardians of homeless children and youth of the educational and related opportunities available to their children and provides them with meaningful opportunities to participate in the education of their children;

(c) The LEA disseminates public notice of the educational rights of homeless children and youth in places in which these children receive services under the McKinney-Vento Act;

(d) The LEA properly mediates enrollment disputes; and

(e) The LEA informs the parent or guardian of a homeless child or youth, and any unaccompanied youth, of the transportation services that the LEA must make available, and assists the child or youth in accessing transportation to school. (Section 722(g)(6))

(6) Providing Transportation

The McKinney-Vento Act places new transportation responsibilities on SEAs and LEAs. (Section 722(g)(1)(J)(iii)) As noted previously, SEAs and LEAs must adopt practices and policies to ensure that LEAs provide or arrange for the transportation of homeless children and youth, at the request of the parent or guardian—or, in the case of an unaccompanied youth, the liaison—to and from the homeless child's or youth's school of origin.

If a homeless student continues to live in an area served by the LEA in which the school of origin is located, the LEA must provide or arrange for transportation of the student to and from the school of origin.

If the homeless student is no longer living in the area served by the LEA of origin but is continuing his or her education in the school of origin, the LEA of origin and the LEA in which the homeless student is living must agree on a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin.

If the LEAs cannot agree on a method, the costs for transportation must be shared equally.

IV. Effective State Enrollment Practices

The following is a summary of successful ways in which States have

assisted, or may assist, LEAs in immediately enrolling in schools students experiencing homelessness, and ways in which States can review and revise their requirements regarding immunization and medical or school records in order to facilitate immediate enrollment:

(A) Convening a Steering Committee To Identify and Review Requirements and Policies That May Act as Enrollment Barriers

An SEA may form a broad-based steering committee to examine enrollment barriers. Such a committee could include representatives of the Homeless Coordinator's office; other SEA offices, including transportation officials; other State agencies (e.g., public health, social services), legislative staff, local liaisons, and advocacy groups. The committee should review State laws, rules, regulations, letters, memoranda, and guidance documents to ensure State and local compliance with the requirements of the McKinney-Vento Act. The committee should pay special attention to issues concerning transportation policies, student records and record-transfer requirements, enrolling unaccompanied youth, guardianship requirements, procedures for resolving enrollment disputes, and barriers resulting from school-related fees or school uniform policies.

(B) Providing LEAs and Schools With Guidelines on the Requirements of the McKinney-Vento Act and Ways to Effectively Address Enrollment Barriers

We encourage SEAs to prepare and disseminate to their districts and schools memoranda, guidance documents, notices, or letters summarizing the enrollment requirements and other provisions of the McKinney-Vento Act and to share with them guidance provided by the Department.

Given that transportation has been one of the biggest enrollment barriers, States should highlight in their guidance to districts the new transportation responsibilities of LEAs under the McKinney-Vento Act. States should work with LEAs to develop practices and policies to ensure that transportation is provided as required under the legislation.

State enrollment guidelines should emphasize that an LEA must consider the best interests of the child in making placement decisions and that homeless students must be permitted to enroll in school immediately, even if they cannot produce the documentation normally needed for enrollment.

States may encourage districts to implement policies whereby schools immediately enroll homeless children and youth on such bases as oral communications with prior schools; affidavits from parents or guardians in place of immunization documentation, birth certificates, proof of residency, or other records; and other alternatives to the records usually required for enrollment. The local liaisons can facilitate implementation of these measures.

States should remind LEAs that any records that a school ordinarily keeps must be maintained in a manner that makes the records readily available when a child or youth enters a new school or district, and that the enrolling school must immediately contact the school last attended by the child or youth to obtain the relevant records.

States should inform districts that they should examine any local residency requirements in light of the State's compulsory attendance laws to ensure that those requirements do not act as a barrier to enrollment of children and youth experiencing homelessness.

States may also assist LEAs in adopting policies for waiving any school-related fees (such as course fees, activity fees, or field trip expenses) for homeless or poor families. In addition, they may issue guidance to assist LEAs in addressing barriers caused by lack of money for required school uniforms or for appropriate school clothing.

States may develop manuals to assist LEAs in addressing the needs of homeless students. The manuals could include sample emergency enrollment forms, examples of affidavits of residency or of immunizations, and forms specifying the rights of youth and parents or guardians, including forms for appeals of placement decisions. Manuals could also include information on best practices to address common issues or concerns raised by LEA and school staff regarding their responsibilities under the McKinney-Vento Act. A State may also consider disseminating to districts or schools self-assessment guides on implementation of the McKinney-Vento Act.

In informing districts and schools of enrollment requirements in the McKinney-Vento Act and possible means of addressing enrollment barriers, States should use all available technology, such as e-mail notices, listservs, the SEA website, Statewide hotlines, videos, satellite broadcasts, and teleconferences.

(c) Providing Training and Guidance to LEA Liaisons for Homeless Children and Youth

Families, particularly those experiencing homelessness, often have difficulty keeping track of medical and other records, contacting previous schools to initiate school transfers, and working through school bureaucracies. To help alleviate these problems, States must provide technical assistance to LEAs in coordination with LEA liaisons. This may include training and guidance on meaningful ways for liaisons to assist parents, guardians, and unaccompanied youth in the enrollment process, through such means as accompanying a child from a shelter to school, completing enrollment forms, coordinating the transfer of records, arranging for immunizations, and preparing affidavits to facilitate enrollment. States should also provide training and guidance to assist liaisons in expeditiously resolving enrollment disputes in accordance with the procedures in the State plan.

V. Future Guidance

The Department is preparing additional guidance on other aspects of the McKinney-Vento Act and plans to issue that guidance later this spring.

FOR FURTHER INFORMATION CONTACT: Gary Rutkin, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202–6132. Telephone: (202) 260–4412 or via the Internet at *gary.rutkin@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339. Individuals with disabilities may obtain this notice in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT.**

Paperwork Reduction Act of 1995

This document refers to data requirements that will be part of the information collection in the State application. These data requirements will be under the review of the Office of Management and Budget (OMB) until OMB approves the data requirements at the time it approves the State application.

If you want to comment to the Department on the data requirements in this notice, please send your comments to the contact person listed under **FOR FURTHER INFORMATION CONTACT.**

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Program Authority: Subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, as reauthorized by the No Child Left Behind Act of 2001 (Pub. L. 107–110).

Dated: March 6, 2002.

Susan B. Neuman,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 02–5737 Filed 3–7–02; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–1086–000, et al.]

Midwest Independent Transmission System Operator, Inc., et al.; Electric Rate and Corporate Regulation Filings

March 1, 2002.

Take notice that the following filings have been made with the Commission. Any comments should be submitted in accordance with Standard Paragraph E at the end of this notice.

1. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1086–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by TXU Energy Trading Company.

A copy of this filing was sent to TXU Energy Trading Company.

Comment Date: March 19, 2002.

2. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1087–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Aquila Energy Marketing Corporation.

A copy of this filing was sent to Aquila Energy Marketing Corporation.

Comment Date: March 19, 2002.

3. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1088–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Cargill-Alliant, LLC.

A copy of this filing was sent to Cargill-Alliant, LLC.

Comment Date: March 19, 2002.

4. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1089–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Split Rock Energy LLC.

A copy of this filing was sent to Split Rock Energy LLC.

Comment Date: March 19, 2002.

5. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1090–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Reliant Energy Services Inc.

A copy of this filing was sent to Reliant Energy Services Inc.

Comment Date: March 19, 2002.

6. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1091–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Wisconsin Public Service Corporation.

A copy of this filing was sent to Wisconsin Public Service Corporation.

Comment Date: March 19, 2002.

7. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1092–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Southern Indiana Gas and Electric Company.

A copy of this filing was sent to Southern Indiana Gas and Electric Company.

Comment Date: March 19, 2002.

8. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1093–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Cinergy Services, Inc. (CPMT).

A copy of this filing was sent to CPMT.

Comment Date: March 19, 2002.

9. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1094–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent

Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Entergy-Koch Trading, LP.

A copy of this filing was sent to Entergy-Koch Trading, LP.

Comment Date: March 19, 2002.

10. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1095–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Central Illinois Light Company (CILM).

A copy of this filing was sent to CILM.

Comment Date: March 19, 2002.

11. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1096–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Consolidated Water Power Company.

A copy of this filing was sent to Consolidated Water Power Company.

Comment Date: March 19, 2002.

12. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1097–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Alliant Energy Corporate Services.

A copy of this filing was sent to Alliant Energy Corporate Services.

Comment Date: March 19, 2002.

13. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1098–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by AES New Energy, Inc.

A copy of this filing was sent to AES New Energy, Inc.

Comment Date: March 19, 2002.

14. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1099–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Wisconsin Public Power Inc.

A copy of this filing was sent to Wisconsin Public Power Inc.

Comment Date: March 19, 2002.

15. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1100–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by The Energy Authority.

A copy of this filing was sent to The Energy Authority.

Comment Date: March 19, 2002.

16. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1101–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by American Electric Power Service Corporation.

A copy of this filing was sent to American Electric Power Service Corporation.

Comment Date: March 19, 2002.

17. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1102–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Hoosier Energy, Inc.

A copy of this filing was sent to Hoosier Energy, Inc. *Comment Date:* March 19, 2002.

18. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1103–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Northern States Power Company.

A copy of this filing was sent to Northern States Power Company.

Comment Date: March 19, 2002.

19. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1104–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Upper Peninsula Power Co.

A copy of this filing was sent to Upper Peninsula Power Co.

Comment Date: March 19, 2002.

20. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1105–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Exelon Generation Company, LLC.

A copy of this filing was sent to Exelon Generation Company, LLC.

Comment Date: March 19, 2002.

21. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1106–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Otter Tail Corporation.

A copy of this filing was sent to Otter Tail Corporation.

Comment Date: March 19, 2002.

22. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1107–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Sempra Energy Trading Corp.

A copy of this filing was sent to Sempra Energy Trading Corp.

Comment Date: March 19, 2002.

23. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1108–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by GEN–SYS Energy.

A copy of this filing was sent to GEN–SYS Energy.

Comment Date: March 19, 2002.

24. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1109–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by CMS Marketing, Services and Trading Company.

A copy of this filing was sent to CMS Marketing, Services and Trading Company.

Comment Date: March 19, 2002.

25. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1112–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Madison Gas & Electric Company.

A copy of this filing was sent to Madison Gas & Electric Company.

Comment Date: March 19, 2002.

26. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1110–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and Section 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Duke Energy Trading & Marketing.

A copy of this filing was sent to Duke Energy Trading & Marketing.

Comment Date: March 19, 2002.

27. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1111–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Lincoln Electric System.

A copy of this filing was sent to Lincoln Electric System.

Comment Date: March 19, 2002.

28. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1120–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Missouri River Energy Services.

A copy of this filing was sent to Missouri River Energy Services.

Comment Date: March 20, 2002.

29. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1121–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Southern Illinois Power Cooperative.

A copy of this filing was sent to Southern Illinois Power Cooperative.

Comment Date: March 20, 2002.

30. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1122–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Utilities Plus.

A copy of this filing was sent to Utilities Plus.

Comment Date: March 20, 2002.

31. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1123–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Springfield, IL (City of) (CWL&P).

A copy of this filing was sent to Springfield, IL (City of) (CWL&P).

Comment Date: March 20, 2002.

32. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1124–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Indiana Municipal Power Agency.

A copy of this filing was sent to Indiana Municipal Power Agency.

Comment Date: March 20, 2002.

33. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1125–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by FirstEnergy Solutions Corp.

A copy of this filing was sent to FirstEnergy Solutions Corp.

Comment Date: March 20, 2002.

34. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1126–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Minnesota Municipal Power Agency.

A copy of this filing was sent to Minnesota Municipal Power Agency.

Comment Date: March 20, 2002.

35. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1127–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Minnesota Power.

A copy of this filing was sent to Minnesota Power.

Comment Date: March 20, 2002.

36. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1128–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Dairyland Power Cooperative.

A copy of this filing was sent to Dairyland Power Cooperative.

Comment Date: March 20, 2002.

37. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1129–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Strategic Energy LLC.

A copy of this filing was sent to Strategic Energy LLC.

Comment Date: March 20, 2002.

38. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1130–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Manitowoc Public Utilities.

A copy of this filing was sent to Manitowoc Public Utilities.

Comment Date: March 20, 2002.

39. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1131–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Southern Minnesota Municipal Power Agency.

A copy of this filing was sent to Southern Minnesota Municipal Power Agency.

Comment Date: March 20, 2002.

40. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1132–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Northwestern Wisconsin Electric Company.

A copy of this filing was sent to Northwestern Wisconsin Electric Company.

Comment Date: March 20, 2002.

41. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1133–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Allegheny Energy.

A copy of this filing was sent to Allegheny Energy.

Comment Date: March 20, 2002.

42. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1134–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Illinois Municipal Electric Agency.

A copy of this filing was sent to Illinois Municipal Electric Agency.

Comment Date: March 20, 2002.

43. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1135–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal

Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Central Illinois Light Company (CILR).

A copy of this filing was sent to Central Illinois Light Company (CILR).

Comment Date: March 20, 2002.

44. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1136–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Edison Mission Marketing & Trading, Inc.

A copy of this filing was sent to Edison Mission Marketing & Trading, Inc.

Comment Date: March 20, 2002.

45. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1137–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Indianapolis Power & Light Company.

A copy of this filing was sent to Indianapolis Power & Light Company.

Comment Date: March 20, 2002.

46. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1138–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Montana-Dakota Utilities Company.

A copy of this filing was sent to Montana-Dakota Utilities Company.

Comment Date: March 20, 2002.

47. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1139–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by MidAmerican Energy Company (MECB).

A copy of this filing was sent to MidAmerican Energy Company (MECB).

Comment Date: March 20, 2002.

48. Cambridge Electric Light Company

[Docket No. ER02–1140–000]

Take notice that on February 27, 2002, Cambridge Electric Light Company (Cambridge Electric) tendered for filing a firm point-to-point transmission service agreement between Cambridge Electric and Mirant Americas Energy Marketing, LP (Mirant). Cambridge Electric states that the service agreement sets out the transmission arrangements under which Cambridge Electric will provide firm point-to-point transmission service to Mirant under Cambridge Electric's open access transmission tariff accepted for filing in Docket No. ER01–2291–001.

Cambridge Electric requests effective date of February 1, 2002.

Comment Date: March 20, 2002.

49. El Paso Electric Company

[Docket No. ER02–1141–000]

Take notice that on February 27, 2002, El Paso Electric Company (El Paso) tendered for filing with the Federal Energy Regulatory Commission (Commission) a Service Agreement with Arizona Electric Power Cooperative, Inc. for Firm Transmission Service under El Paso's Open Access Transmission Tariff. El Paso requests that the proposed Service Agreement be permitted to become effective on January 24, 2002. El Paso states that this filing is in accordance with part 35 of the Commission's regulations, 18 part CFR part 35, and that a copy has been served on the Texas Public Utility Commission.

Comment Date: March 20, 2002.

50. El Paso Electric Company

[Docket No. ER02–1142–000]

Take notice that on February 27, 2002, El Paso Electric Company (El Paso) tendered for filing with the Federal Energy Regulatory Commission (Commission) a Service Agreement with Arizona Electric Power Cooperative, Inc. for Non-Firm Transmission Service under El Paso's Open Access Transmission Tariff. El Paso requests that the proposed Service Agreement be permitted to become effective on January 24, 2002. El Paso states that this filing is in accordance with part 35 of the Commission's regulations, 18 CFR part 35, and that a copy has been served on the Texas Public Utility Commission.

Comment Date: March 20, 2002.

51. Virginia Electric and Power Company

[Docket No. ER02–1143–000]

Take notice that on February 27, 2002, Virginia Electric and Power Company (Dominion Virginia Power) tendered for filing with the Federal Energy Regulatory Commission (Commission) Notice of Termination of Service Agreement with GPU Advance Resources, Inc. designated as First Revised Service Agreement No. 165 under FERC Electric Tariff, Third Revised Volume No. 4.

Dominion Virginia Power respectfully requests a waiver of the Commission's regulation to permit a retroactive effective date of January 29, 2002, as requested by GPU Advance Resources, Inc. Copies of the filing were served upon the GPU Advance Resources, Inc., Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment Date: March 20, 2002.

52. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER02–1144–000]

Take notice that on February 27, 2002, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (individually doing business as GPU Energy) submitted for filing a Notice of Cancellation of the Service Agreement between GPU Energy and Merchant Energy Group of the Americas, Inc., FERC Electric Rate Schedule, Second Revised Volume No. 5, Service Agreement No. 16. GPU Energy requests that cancellation be effective the 26th day of April 2002.

Comment Date: March 20, 2002.

53. Foothills Generating, L.L.C.

[Docket No. ER02–1145–000]

Take notice that on February 27, 2002, Foothills Generating, L.L.C. (Foothills) tendered for filing a service agreement (Power Purchase and Sales Agreement) covering transactions between Foothills and Dynegy Power Marketing, Inc. Under Foothills' market-based rate schedule, to be in effect as of February 1, 2002.

Comment Date: March 20, 2002.

54. Bluegrass Generation Company, L.L.C.

[Docket No. ER02–1146–000]

Take notice that on February 27, 2002, Bluegrass Generation Company, L.L.C. (Bluegrass) tendered for filing a service agreement (Power Purchase and Sales Agreement) covering transactions between Bluegrass and Dynegy Power Marketing, Inc. Under Bluegrass' market-based rate schedule, to be in effect as of February 1, 2002.

Comment Date: March 20, 2002.

55. Rolling Hills Generating, L.L.C.

[Docket No. ER02–1147–000]

Take notice that on February 27, 2002, Rolling Hills Generating, L.L.C. (Rolling Hills) tendered for filing a service agreement (Power Purchase and Sales Agreement) covering transactions between Rolling Hills and Dynegy Power Marketing, Inc. under Rolling Hills market-based rate schedule, to be in effect as of February 1, 2002.

Comment Date: March 20, 2002.

56. Renaissance Power, L.L.C.

[Docket No. ER02–1148–000]

Take notice that on February 27, 2002, Renaissance Power, L.L.C. (Renaissance) tendered for filing a service agreement (Power Purchase and Sales Agreement) covering transactions between Renaissance and Dynegy Power Marketing, Inc. under Renaissance's market-based rate schedule, to be in effect as of February 1, 2002.

Comment Date: March 20, 2002.

57. ISO New England Inc.

[Docket No. ER02–1149–000]

Take notice that on February 27, 2002, ISO New England Inc. submitted as a Section 205 filing in the above docket revisions to Market Rules 1, 2, 3, 4, 5, 6, 8, 9, 15 and 17, with a requested effective date of May 1, 2002.

Comment Date: March 20, 2002.

58. PJM Interconnection, L.L.C.

[Docket No. ER02–1150–000]

Take notice that on February 27, 2002, PJM Interconnection, L.L.C. (PJM) tendered for filing additional minor revisions to Schedules 1A, 7, and 8 of the PJM Open Access Transmission Tariff (PJM Tariff) necessary to reflect the addition of Rockland Electric Company (Rockland) to the PJM control area and markets effective March 1, 2002.

PJM requests an effective date of March 1, 2002 for these tariff revisions, to ensure that these revisions are effective at the same time as the Rockland transfer. PJM states that copies of this filing have been served on all PJM Members and the state electric regulatory commissions in the PJM control area.

Comment Date: March 20, 2002.

59. Entergy Services, Inc.

[Docket No. ER02–1151–000]

Take notice that on February 27, 2002, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc., tendered for filing an unexecuted Interconnection and Operating Agreement with Plum Point Energy Associates, LLC (Plum Point), and a Generator Imbalance Agreement with Plum Point.

Comment Date: March 20, 2002.

60. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1152–000]

Take notice that on February 28, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Dynegy Power Marketing, Inc.

A copy of this filing was sent to Dynegy Power Marketing, Inc.

Comment Date: March 21, 2002.

61. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1153–000]

Take notice that on February 28, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Great River Energy.

A copy of this filing was sent to Great River Energy.

Comment Date: March 21, 2002.

62. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1154–000]

Take notice that on February 28, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by NorthPoint Energy Solutions Inc.

A copy of this filing was sent to NorthPoint Energy Solutions Inc.

Comment Date: March 21, 2002.

63. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1155–000]

Take notice that on February 28, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Wisconsin Electric Power Company.

A copy of this filing was sent to Wisconsin Electric Power Company.

Comment Date: March 21, 2002.

64. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1156–000]

Take notice that on February 28, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by American Municipal Power-Ohio, Inc.

A copy of this filing was sent to American Municipal Power-Ohio, Inc.

Comment Date: March 21, 2002.

65. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1157–000]

Take notice that on February 28, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Williams Energy Marketing & Trading Company.

A copy of this filing was sent to Williams Energy Marketing & Trading Company.

Comment Date: March 21, 2002.

66. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1158–000]

Take notice that on February 28, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent

Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Louisville Gas and Electric Company/Kentucky Utilities.

A copy of this filing was sent to Louisville Gas and Electric Company/Kentucky Utilities.

Comment Date: March 21, 2002.

67. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1159–000]

Take notice that on February 28, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Cinergy Services, Inc. (CIN).

A copy of this filing was sent to Cinergy Services, Inc. (CIN).

Comment Date: March 21, 2002.

68. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1160–000]

Take notice that on February 28, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Basin Electric Power Cooperative.

A copy of this filing was sent to Basin Electric Power Cooperative.

Comment Date: March 21, 2002.

69. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1161–000]

Take notice that on February 28, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Manitoba Hydro.

A copy of this filing was sent to Manitoba Hydro.

Comment Date: March 21, 2002.

70. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1162–000]

Take notice that on February 28, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Wabash Valley Power Association, Inc.

A copy of this filing was sent to Wabash Valley Power Association, Inc.

Comment Date: March 21, 2002.

71. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1163–000]

Take notice that on February 28, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by LG&E Energy Marketing Inc.

A copy of this filing was sent to LG&E Energy Marketing Inc.

Comment Date: March 21, 2002.

72. Pedricktown Cogeneration Limited Partnership; TXU Energy Company LLC

[Docket No. EC02–53–000]

Take notice that on February 27, 2002, Pedricktown Cogeneration Limited Partnership (Pedricktown) and TXU Energy Company LLC (TXU Energy) (collectively the Applicants) filed with the Federal Energy Regulatory Commission a joint application pursuant to section 203 of the Federal Power Act for authorization of indirect disposition of control over certain jurisdictional facilities. Under the proposed transaction, TXU Energy will acquire one hundred percent of the partnership interests in Pedricktown, and will indirectly acquire control over certain jurisdictional facilities including, Pedricktown's pending market-based rate schedule, certain interconnection facilities, generator step-up transformers, and generator leads.

Pedricktown is engaged exclusively in the business of owning and operating a 122 MW steam turbine electric generating facility located in Pedricktown, New Jersey (the Facility). The Applicants request privileged treatment by the Commission of the Acquisition Agreement between Javelin Pedrick General Corporation, Javelin Pedrick Limited, LLC, and Javelin Pedrick Limited II, LLC, and TXU Energy that governs the proposed transfer.

Comment Date: March 20, 2002.

73. Pacific Gas and Electric Company

[Docket No. ER01–833–000]

Take notice that on February 28, 2002, Pacific Gas and Electric Company (PG&E) tendered for filing a Further Request for Deferral of Consideration of the unexecuted Wholesale Distribution Tariff (WDT) Service Agreement and Interconnection Agreement between Pacific Gas and Electric Company and Modesto Irrigation District (MID) filed in FERC Docket No. ER01–833–000 on December 29, 2000. PG&E and Modesto are finalizing the WDT Service Agreement and a letter agreement for review and signature, and PG&E therefore is notifying the Commission that executed agreements will not be filed by November 30, 2001, the requested deferral date. PG&E requests that the Commission defer consideration of the proceedings filed in ER01–833–000 to August 26, 2001, 180 days beyond the last request for Deferral in order that the parties may finalize and executed the Agreements.

Copies of this filing have been served upon MID, the California Independent System Operator Corporation, and the California Public Utilities Commission.

Comment Date: March 21, 2002.

74. Southern Indiana Gas & Electric Company

[Docket No. ER01–3063–001]

Take notice that on February 28, 2002, Southern Indiana Gas & Electric Company (SIGECO) tendered for filing a revised supplement to its interim settlement with Alcoa Power Generating, Inc. (APGI) concerning SIGECO's Rate Schedule FPC No. 29. The revised supplement extends the interim settlement which was scheduled to terminate on February 28, 2002, for two months through April 30, 2002.

Copies of the filing were served upon APGI and the Indiana Utility Regulatory Commission.

Comment Date: March 21, 2002.

75. CinCap VII, LLC

[Docket Nos. ER02–319–002 and ER00–1831–004]

Take notice that on February 26, 2002, CinCap VII, LLC tendered for filing a letter providing additional information regarding its notice of change in status and an amendment to the market-based rate tariff and code of conduct originally filed in this Docket on November 13, 2001.

Comment Date: March 19, 2002.

76. CinCap Madison, LLC

[Docket Nos. ER02–322–003 and ER00–1784–005]

Take notice that on February 26, 2002, CinCap Madison, LLC tendered for filing a letter providing additional information regarding its notice of change in status and an amendment to the market-based rate tariff and code of conduct originally filed in this Docket on November 13, 2001.

Comment Date: March 19, 2002.

77. KeySpan-Ravenswood, Inc.

[Docket No. ER02–1113–000]

Take notice that on February 26, 2002, KeySpan-Ravenswood, Inc. (Ravenswood) filed a notice of cancellation of its FERC Electric Tariff Original Volume No. 2 and the unexecuted service agreement thereunder designated as Service Agreement No. 1 filed under FERC Electric Tariff Original Volume No. 2 effective on March 28, 2002.

Comment Date: March 19, 2002.

78. Exelon Generation Company, LLC

[Docket No. ER02–1114–000]

Take notice that on February 26, 2002, Exelon Generation Company, LLC (Exelon Generation), submitted for filing a power sales service agreement between Exelon Generation and El Paso Merchant Energy, LP, under Exelon Generation's wholesale power sales tariff, FERC Electric Tariff Original Volume No. 2

Comment Date: March 19, 2002.

79. Wisconsin Electric Power Company

[Docket No. ER02–1115–000]

Take notice that on February 26, 2002, Wisconsin Electric Power Company (Wisconsin Electric) tendered for filing with the Federal Energy Regulatory Commission (Commission or FERC), a Notice of Cancellation effective January 1, 2001 of an Interconnection and Interchange Agreement, designated as Rate Schedule FERC No. 78 on September 16, 1994, between Wisconsin Electric and Wisconsin Power and Light Company.

Comment Date: March 19, 2002.

80. Cinergy Services, Inc.

[Docket No. ER02–1116–000]

Take notice that on February 26, 2002, Cinergy Services, Inc. (Cinergy) and Griffin Energy Marketing, L.L.C. filed a request for cancellation of Service Agreement No. 203, under Cinergy Operating Companies, FERC Electric Cost-Based Power Sales Tariff, FERC Electric Tariff Original Volume No. 6. **Cinergy requests an effective date of February 25, 2002.**

Comment Date: March 19, 2002.

81. American Electric Power Service Corporation

[Docket No. ER02–1117–000]

Take notice that on February 26, 2002, American Electric Power Service Corporation on behalf of Ohio Power Company (OPCO) submitted for filing an executed Interconnection and Operation Agreement, dated January 18, 2002, between OPCO and Lawrence Energy Center LLC (Lawrence). The agreement is pursuant to the AEP Companies' Open Access Transmission Service Tariff (OATT) that has been designated as the Operating Companies of the American Electric Power System FERC Electric Tariff Second Revised Volume No. 6, effective June 15, 2000.

OPCO requests an effective date of February 1, 2002.

Copies of OPCO's filing have been served upon the Public Utilities Commission of Ohio and Lawrence Energy Center LLC.

Comment Date: March 19, 2002.

82. Continental Electric Cooperative Services, Inc.

[Docket No. ER02–1118–000]

Take notice that on February 26, 2002, Continental Electric Cooperative Services, Inc. (CCS) tendered for filing with the Federal Energy Regulatory Commission an Application for Market-Based Rate Authorization.

Comment Date: March 19, 2002.

83. Garnet Energy LLC [Docket No. ER02–1119–000]

Take notice that on February 27, 2002, Garnet Energy LLC (Garnet) filed a Application for Market-Based Rate Authority with the Federal Regulatory Commission (the Commission) seeking acceptance of Garnet's FERC Rate Schedule No. 1 and the granting of certain blanket approvals, including the authority to sell energy and capacity at market-based rates and the waiver of certain Commission regulations. The request for market-based rate authority is limited to sales of capacity and energy from a new generation facility, known as the Garnet Energy Facility, to be constructed in Canyon County, Idaho.

Comment Date: March 20, 2002.

Standard Paragraph

E. Any person desiring to be heard or to protest such 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 should be filed on or before the comment date. 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. 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.

Magalie R. Salas,

Secretary.

[FR Doc. 02–5551 Filed 3–7–02; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7154–8]

Agency Information Collection Activities: Proposed Collection; Comment Request; Exclusions

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 consolidate and submit the following continuing Information Collection Requests (ICRs) to the Office of Management and Budget (OMB): Motor Vehicle Exclusion Determinations, EPA ICR Number 0012.11, OMB Control Number 2060–0124, expiration date 05/31/02; and Exclusion Determinations for New Non-Road Spark-ignited Engines at or Below 19 Kilowatts, New Compression-ignited Engines at or Above 37 Kilowatts, New Marine Engines, New On-road Heavy Duty Engines and Locomotive Engines, EPA ICR Number 1852.01, OMB Control Number 2060–0395, expiration date 05/31/02. EPA ICR No. 1852.01 is being consolidated into EPA ICR No. 0012.11. 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 May 7, 2002.

ADDRESSES: For a copy of the ICR, contact Chestine Payton at EPA by phone at (202) 564–9328, by e-mail at *payton.chestine@epamail.epa.gov,* or download off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 0012.11

FOR FURTHER INFORMATION CONTACT: Chestine Payton, Telephone (202) 564–9328. Facsimile 202–564–9328, E-mail *payton.chestine@epamail.epa.gov.*

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are businesses or other for-profit organizations, including manufacturers of vehicles and importers of racing vehicles.

Title: Motor Vehicle Exclusion Determinations, EPA ICR Number 0012.11, OMB Control Number 2060–0124, expiration date 05/31/02; and Exclusion Determinations for New Non-Road Spark-ignited Engines at or Below 19 Kilowatts, New Compression-ignited Engines at or Above 37 Kilowatts, New Marine Engines, New On-road Heavy Duty Engines and Locomotive Engines, EPA ICR Number 1852.01, and OMB Control Number 2060–0395, expiration date 05/31/02. This is a request for an extension of currently approved collections.

Abstract: The EPA Office Transportation and Air Quality's Certification and Compliance Division, determines whether a vehicle is excluded from requirements under the Clean Air Act (ACT) based on the criteria listed in 40 CFR 85.1701—Exclusions and Exemption of Motor Vehicles and Motor Vehicle Engines. A manufacturer may make an exclusion determination by itself; however, manufacturers and importers may routinely request EPA to make such a determination to ensure that their determination does not differ from EPA's. Only needed information such as engine type, horsepower rating, intended usage, etc., is requested to make an exclusion determination. A manufacturer who desires a determination by the EPA as to whether a particular type of vehicle is excluded from coverage under the ACT must submit vehicle specifications such as size, use, and top speed. This ensures that motor vehicles which may be legally operated or are capable of being legally operated on streets or highways will not be imported under a racing vehicle exclusion. Some types of engines are excluded from compliance with current regulations. EPA ICR No. 1852.10, OMB Control Number 2060–0395, is being consolidated into EPA ICR No. 0012.11, OMB Control Number 2060–0294. This consolidation will eliminate the need for similar ICRs with the same requirements.

Responses to this collection are voluntary. The information is collected by the Office of Air and Radiation, Office of Transportation and Air Quality, Certification and Compliance Division. Confidentiality to 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: The annual public reporting and record keeping burden for this collection of information is estimated to average 1.5 hours per respondent. The proposed frequency of response is on occasion and the estimated number of likely respondents is 210 per year. 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: March 4, 2002.

Robert Brenner,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 02–5605 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7154–6]

Agency Information Collection Activities: Submission for OMB Review; Comment Request Reporting Requirements for BEACH Act Grants

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 the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Reporting Requirements for BEACH Act Grants, EPA ICR No. 2048.01. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 8, 2002.

ADDRESSES: Send comments, referencing EPA ICR No. 2048.01 to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW, Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Susan Auby at EPA by phone at (202) 260–4901, by e-mail at *Auby.susan@epa.gov* or download off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 2048.01. For technical questions about the ICR contact Charles Kovatch at 202–260–3754.

SUPPLEMENTARY INFORMATION:

Title: Reporting Requirements for BEACH Act Grants (EPA ICR No. 2048.01). This is a new collection.

Abstract: Congress passed the Beaches Environmental Assessment and Coastal

Health (BEACH) Act in October 2000, to amend the Clean Water Act in part by adding section 406 ''Coastal Recreation Water Monitoring and Notification.'' Section 406(b) requires EPA to make grants to States and local governments to develop and implement programs for monitoring and public notification for coastal recreation waters adjacent to beaches or similar points of access that are used by the public, if the State or local government satisfies the requirements of the BEACH Act.

Several of these requirements require a grant awardee to collect and submit information to EPA as a condition for receiving the grant. Section 406(b) requires a grant awardee to provide the factors that the awardees use to prioritize funds and a list of waters for which the grant funds will be used. Section 406(b) also requires that a grant awardee's program is consistent with the performance requirements set by EPA under section 406(a); EPA needs information from the grant awardee to determine if the monitoring and notification programs are consistent with these criteria. On July 31, 2001, EPA published the draft performance criteria for BEACH Act grants (66 FR 39510, July 31, 2001). Section 406(b) also requires that a grant awardee submit a report to EPA that describes the data collected as part of a monitoring and notification program and the actions taken to notify the public when water quality standards are exceeded. Section 406(c) requires a grant awardee to identify lists of coastal recreation waters, processes for States to delegate to local governments the responsibility for implementing a monitoring and notification program, and the content of the monitoring and notification program.

The information covered by this ICR is required of States and local governments that seek to obtain BEACH Act funding. It allows EPA to properly review State and local governments' monitoring and notification programs to determine if they are eligible for BEACH Act grant funding. This information also enables EPA to fulfill its obligations to make this information available to the public as required by sections 406(e) and (g).

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 **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on September 26, 2001 (66 FR 49176); No (zero) comments were received.

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to average 1,993 hours per state per year. 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.

Respondents/Affected Entities: Eligible state and local governments interested in receiving BEACH Act Grant funds.

Estimated Number of Respondents: 30 states and five territories.

Frequency of Response: Annual.

Estimated Total Annual Hour Burden: 69,755 hours per year.

Estimated Total Annualized Capital, O&M Cost Burden: $473,025 per year.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 2048.01 in any correspondence.

Dated: February 19, 2002.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 02–5604 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7155–1]

EPA Science Advisory Board; Request for Nomination of Members and Consultants

SUMMARY: The U.S. Environmental Protection Agency's Science Advisory Board (SAB), including the Clean Air Scientific Advisory Committee (CASAC) and the Advisory Council on Clean Air Compliance Analysis (Council), of the Environmental Protection Agency (EPA) is soliciting nominations for Members and Consultants (M/Cs). As part of this effort, the Agency is publishing this notice to describe the purpose of the SAB and to invite the public to nominate appropriately qualified candidates of any gender or ethnic background to fill upcoming vacancies. This process supplements other efforts to identify qualified candidates.

Background

The SAB is composed of Non-Federal Government scientists and engineers who are employed on an intermittent basis to provide independent advice to the EPA Administrator on technical aspects of public health and environmental issues confronting the Agency. Members of the SAB are appointed by the Administrator—generally in October—to serve two year-terms with some possibilities for reappointment. Consultants are appointed throughout the year, as the need arises, by the SAB Staff Director to serve renewable one-year terms and serve on SAB committees, as needed, to support the work of the Board. Many individuals serve as Consultants prior to serving as Members.

Members and Consultants (M/Cs) most often serve in association with one of the following standing committees: Advisory Council on Clean Air Compliance Analysis, Clean Air Scientific Advisory Committee, Drinking Water Committee, Ecological Processes and Effects Committee, Environmental Economics Advisory Committee, Environmental Engineering Committee, Environmental Health Committee, Integrated Human Exposure Committee, Radiation Advisory Committee, and Research Strategies Advisory Committee. Additional information about the SAB can be obtained on the SAB Web site, *www.epa.sab/gov,* and from the Annual Report of the SAB Staff, *http://www.epa.gov/sab/annreport01.pdf.*

M/Cs can expect to attend 1–6 meetings per year, based upon the activity of the committee with which they serve. M/Cs generally serve as Special Government Employees (SGEs) (40 CFR part 3, subpart F or EPA Ethics Advisory 88–6 dated 7/6/88) and receive compensation, in addition to reimbursement at the Federal Government rate for travel and per diem expenses while serving on the SAB. SGEs are subject to certain ethical standards common to all Federal employees. In particular, prior to their appointment, SGEs are required to complete an information package, including a Confidential Financial Disclosure Report.

Appointments associated with this solicitation will begin no sooner than the fall of 2002. While it is too early to know for certain what types of expertise will be needed, it is likely that at least some of the new M/Cs will have expertise in the following areas:

Air quality monitoring
Exposure assessment
Environmental economics
Environmental engineering
Environmental modeling
Environmental microbiology
Environmental statistics
Health physics
Landscape ecology
Risk assessment
Toxicology—health and ecological
Uncertainty analysis

How To Apply

Any interested person or organization may nominate qualified persons to serve on the SAB. Nominees should be qualified by education, training, and experience to evaluate scientific, engineering and/or economics information on issues referred to and addressed by the Board. Successful candidates have distinguished themselves professionally and should be available to invest the time and effort to advance the cause of the supporting the use of good science through the efforts of the SAB.

Nominees should be identified by name, occupation, position, address, telephone number, fax number, email address, and SAB committee of primary interest. Nominations should include a current resume that addresses the nominee's background, experience, qualifications, and specific areas of expertise.

Information on the nominees will be entered into the SAB's data base for potential M/Cs which will be consulted, as appropriate, when vacancies arise and/or when special expertise is needed for particular SAB activities. This request for nominations does not imply any commitment by the Agency to select individuals to serve as a M/C to the SAB from the responses received.

FOR FURTHER INFORMATION: Nominations should be submitted (preferably in electronic format—WordPerfect or Word formats) to: Ms. Carolyn Osborne, Project Coordinator, EPA Science Advisory Board (1400A), 1200 Pennsylvania Avenue, NW., Washington, DC 20460, e-mail: *osborne.carolyn@epa.gov* Tel: (202) 564–4554 no later than Wednesday, April 30, 2002.

The Agency will not formally acknowledge or respond to nominations.

Dated: March 1, 2002.

Donald G. Barnes,

Staff Director, EPA Science Advisory Board.

[FR Doc. 02–5600 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6627–3]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 567–7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated May 18, 2001 (66 FR 27647).

Draft EISs

ERP No. D–AFS–J65355–UT Rating LO, Ray's Valley Road Realignment, Proposal to Reduce or Eliminate Adverse Impacts to Watershed and Aquatic Species and Provide Safer Driving Conditions, Uinta National Forest, Spanish Fork Ranger District, Utah County, UT.

Summary: EPA expressed lack of objections with the proposed action to improve water quality and riparian habitat by moving the road out of the riparian zone. Reclamation of the current travelway would reduce sedimentation of nearby streams by fifty percent.

ERP No. D–AFS–J65356–UT Rating EO2, Quitchupah Creek Road Project, Road Construction to provide Public Access from UT–10 to the Acord Lakes Road, Application for Right-of-Way Grant, Fishlake National Forest, Sevier County Special Services District (SSD), Sevier and Emery Counties, UT.

Summary: EPA expressed environmental objections over potential adverse impacts to water quality in an already impacted riparian area. The additional right-of-way for road with a primary use of hauling coal could also impact wetlands, wildlife and cultural resources and more information is needed to fully assess indirect and cumulative impacts.

ERP No. DS–FHW–F40346–MI Rating EC2, US–31 Petoskey Area Improvement Study, Congestion Reduction on US–31 in the City of Petoskey and Resort and Bear Creek Townships, Funding and US Army COE Section 404 Permit Issuance, Emmet County, MI.

Summary: EPA expressed environmental concerns with respect to the following issue areas: Effectiveness of alternatives in meeting transportation needs and study goals, impacts to wetlands and cedar swamps, secondary land use changes and cumulative impacts.

ERP No. DS–NOA–A64058–00 Rating EC2, Pelagic Sargassum Habitat Fishery Management Plan, Implementation, Updated Information concerning the Public's Opportunity to Comment on Proposed Actions, South Atlantic Region.

Summary: EPA expressed environmental concerns and requested additional information on strategies for protecting federally-managed fish and federally-protected sea turtles that use Sargassum as a nursery area.

Final EISs

ERP No. F–AFS–C02001–NY, Finger Lake National Forest, Oil and Gas Leasing, Exploration and Development, Approval and Authorization, Hector Ranger District, Seneca and Schuyler Counties, NY.

Summary: EPA expressed lack of objections with the selection of the no action alternative.

ERP No. F–AFS–E65056–FL, Ocklawaha River Restoration Project, Continued Occupation of Florida National Forest Lands, Portions of Kirkpatrick Dam, Rodman Reservoir and Eureka Lock and Dam in Conjunction with Partial Restoration of the Ocklawaha River, Operation and Maintenance, Special Use Permit Issuance and Implementation, Marion and Putnam Counties, FL.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. F–AFS–L65363–OR, Anthony Lakes Mountain Resort Master Development Plan, Upgrading and Additional Development, Approval, Baker Ranger District, Wallowa-Whitman National Forest, Grant, Union and Baker Counties, OR.

Summary: No formal letter was sent to the preparing agency.

ERP No. F–FHW–H40167–MO, US 65 Improvements, County Road 65–122 South to Route EE Intersection south of Buffalo, Funding and US Army COE Section 404 Permit Issuance, Dallas County, MO.

Summary: The FEIS adequately supplements information needs and addresses the concerns that EPA had expressed in the review of the DEIS for this project, therefore EPA has no objections to the project as described in the FEIS.

ERP No. F–FHW–J40151–WY, Wyoming Forest Highway 23 Project, Louis Lake Road also known as Forest Development Road 300, Improvements from Bruce's Parking Lot to Worthen Meadow Road, Funding, NPDES Permits and US Army COE Section 404 Permit, Shoshone National Forest, Fremont County, WY.

Summary: No formal comment letter was sent to the preparing agency.

Dated: March 5, 2002.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 02–5664 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6627–2]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or *www.epa.gov/oeca/ofa*

Weekly receipt of Environmental Impact Statements

Filed February 25, 2002 Through March 01, 2002

Pursuant to 40 CFR 1506.9.

EIS No. 020079, Draft EIS, FHW, ME, Aroostook County Transport Study, To Identify Transportation Corridors that will Improve Mobility and Efficiency within Northeastern Aroostook County and other portions of the U.S. and Canada, COE Section 401 and 404 Permits, Endangered Species Act, NPDES and Section 10 River & Harbors Act, Aroostook, ME, Comment Period Ends: April 30, 2002, Contact: Paul Lariviere, P.E. (207) 622–8355.

EIS No. 020080, Draft EIS, COE, ND, Devils Lake Basin North Dakota Study, The Reduction of Flood Damages Related to the Rising Lake Levels and the Flood-Prone Areas Around Devils Lake and to Reduce the Potential for Natural Overflow Event, Sheyenne River and Red River of the North, ND, *Comment Period Ends:* April 22, 2002, Contact: David Loss (651) 290–5435. This document is available on the Internet at: *http://www.mvp.usace.army.mil/.*

EIS No. 020081, Draft EIS, AFS, CA, Star Fire Restoration Removal of Fire-Killed Trees, Road Reconstruction, and Associated Restoration, Eldorado National Forests (ENF) Georgetown Ranger District, Middle Fork American River, Chipmunk Ridge, and the North Fork of Long Canyon, Placer County, CA, Comment Period Ends: April 22, 2002, *Contact:* Patricia Ferrell (530) 642–5146. This document is available on the Internet at: *http://www.r5.fs.fed.us/eldorado/*

EIS No. 020082, Final EIS, FHW, CA, CA–84—Realignment Project, Transportation Improvement between CA–84 from I–880 to CA–2389/ Mission Blvd, Funding and COE Section 404 Permit, in the Cities of Fremont, Hayward and Union, Alameda County, CA, *Wait Period Ends:* April 08, 2002, *Contact:* Maiser Khaled (916) 498–5020.

EIS No. 020083, Draft EIS, BPA, OR, WA, McNary-John Day Transmission Line Project, Proposing to Construct, Operate, and Maintain a 79-mile-long 500-Kilovolt-Transmission Line, Between McNary Substation and John Day Substation, Umatilla and Sherman Counties, OR and Benton and Klickitat Counties, WA, *Comment Period Ends:* April 23, 2002, *Contact:* Stacy Mason (503) 230–5455. This document is available on the Internet at: *http://www.bpa.gov or www.eh.doe.gov/nepa*

EIS No. 020084, Final EIS, FHW, HI, Kihei-Upcountry Maui Highway, Transportation Improvements, Funding and COE Section 404 Permit, County of Maui, HI, Wait Period Ends: April 08, 2002, *Contact:* Domingo Galicinao (808) 541–2700.

EIS No. 020085, Final EIS, USA, Programmatic EIS, Army Transformation, Army Vision to Address the Changing Circumstances of the 21st Century, Transformation in three Phases: Initial Phase, Interim Capability Phase, and an Objective Force Phase, Wait Period Ends: April 08, 2002, *Contact:* George Wallace (703) 692–3139.

EIS No. 020086, Final EIS, USN, CA, El Toro Marine Corps Air Station Disposal and Reuse, Recommendation and Approval of an Airport Layout Plan for Civilian Airport, Funding, NPDES Permit, Orange County, CA , Wait Period Ends: April 08, 2002, *Contact:* Robert Montana (619) 532–0942. The US Department of the Navy and the US Department of Transportation's Federal Aviation Administration are Joint Lead Agencies for this project.

Dated: March 5, 2002.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 02–5665 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00763; FRL–6827–4]

Fiscal Year 2002 Tribal Pesticide Project Solicitation; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Office of Pesticide Programs (OPP), in coordination with the EPA Regions, is soliciting Tribal pesticide projects for fiscal year (FY) 2002 funding. The total amount of funding available in FY 2002 to be awarded to Tribal governments and/or intertribal consortium for pesticide projects is $445,500.

DATES: Project proposals, identified by docket control number OPP–00763, must be received by EPA Regional staff on or before May 15, 2002.

ADDRESSES: Project proposals may be submitted by mail, fax, or electronically. Please follow the instructions for submissions as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00763 in the subject line on the first page of your proposal.

FOR FURTHER INFORMATION CONTACT: Regina Langton, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Mail Code 7506C, Washington, DC 20460; telephone number: (703) 305–7161; fax number: (703) 308–1850; e-mail address: langton.regina@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to any federally recognized Tribal government or intertribal consortium eligible to receive federal funds. Only one project proposal may be submitted by each Tribal government or intertribal consortium. If you have any questions regarding the applicability of this action, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To

access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. You may also access this document on the Home Page for the Office of Pesticide Programs at http://www.epa.gov/pesticides. Select ''What's New.''

C. How and to Whom Do I Submit a Project Proposal?

You may submit a project proposal through the mail, by fax, or electronically to the EPA Tribal Pesticide staff in your Region, as listed below. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00763 in the subject line on the first page of your proposal.

EPA Region I (Connecticut, Maine, New Hampshire, Rhode Island, Vermont)

Rob Koethe, EPA Region I, One Congress St., Suite 1100, (CPT), Boston, MA 02114–2023, telephone: (617) 918–1535, fax: (617) 918–1505, e-mail: koethe.robert@epa.gov.

EPA Region II (New Jersey, New York, Puerto Rico, Virgin Islands)

Adrian Enache, EPA Region II, U.S. EPA Facilities, Raritan Depot, 2890 Woodbridge Avenue, Edison, NJ 08837–3679, telephone: (732) 321–6769, fax: (732) 321–6771, e-mail: enache.adrian@epa.gov.

EPA Region III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia)

Fatima El Abdaoui, EPA Region III, Chestnut Building (3AT11), Philadelphia, PA 19107,telephone: (215) 814–2129, fax: (215) 814–3114, e-mail: el-abdaoui.fatima@epa.gov.

EPA Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)

Jeaneanne Gettle, EPA Region IV, 61 Forsyth St., SW., Atlanta, GA 30303, telephone: (404) 562–8979, fax: (404) 562–8972, e-mail: gettle.jeaneanne@epa.gov.

EPA Region V (Illinois, Indiana, Michigan, Minnesota, Minnesota, Ohio, Wisconsin)

Meonii Crenshaw, EPA Region V, 77 West Jackson Boulevard (DRT8J), Chicago, IL 60604–3507,telephone: (312) 353–4716, fax: (312) 353–4788, e-mail: crenshaw.meonii@epa.gov.

EPA Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas)

Jerry Collins, EPA Region VI, 1445 Ross Avenue, Dallas, TX 75202–2733,telephone: (214) 665–7562, fax: (214) 665–7263, e-mail:collins.jerry@epa.gov.

EPA Region VII (Iowa, Kansas, Missouri, Nebraska)

John Tice, EPA Region VII, 100 Centennial Mall N., Room 289, Lincoln, NB 68508,telephone: (402) 437–5080, fax: (402) 323–9079, e-mail: tice.john@epa.gov.

EPA Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)

Art Roybal, EPA Region VIII, 999 18th St., (8P-P3T), Denver, CO 80202–2466,telephone: (303) 312–6395, fax: (303) 312–6044, e-mail: roybal.art@epa.gov.

EPA Region IX (Arizona, California, Hawaii, Nevada, American Samoa, Guam)

Marcy Katzin, EPA Region IX, 75 Hawthorne St., (CMD-4-3), San Francisco, CA 94105,telephone: (415) 947–4215, fax: (415) 947–3583, katzin.marcy@epa.gov.

EPA Region X (Alaska, Idaho, Oregon, Washington)

Gary McRae, EPA Region X, Idaho Operations Office, 1435 North Orchard St., Boise, ID 83706, telephone: (208) 378–5765, fax: (208) 378–5744, e-mail: mcrae.gary@epa.gov.

Contact the appropriate regional staff person listed above if you need assistance or have questions regarding the creation or submission of a project proposal.

D. What Should I Consider as I Prepare My Project Proposal for EPA?

1. *Scope and purpose of the OPP Tribal Pesticide Project Cooperative Agreements.* The purpose of Tribal pesticide project cooperative agreements is to provide financial assistance to eligible Tribal governments or intertribal consortium to carry out projects related to human health and the environment that assess or reduce risk from pesticide exposure. Funds can be used for new activities or to further an existing eligible project or program.

2. *Eligible applicants and activities*—i.*Who may submit a project proposal and may an applicant submit more than one*? Any federally recognized Tribal government or intertribal consortium eligible to receive Federal funds may submit a project proposal. Only one project proposal may be submitted by each Tribal government or intertribal consortium.

ii. *What types of projects are eligible for funding*? The Agency will consider projects related to human health and the environment that assess or reduce risk from pesticide exposure. Projects may be targeted to any pesticide concern or need facing a Tribe or intertribal consortium, including:

a. Water quality.

b. Subsistence.

c. Assessment of the need for and/or development of a pesticide management policy or plan.

d. Consideration of integrated pest management, reduced pesticide use, or alternatives to pesticides.

e. Sampling.

f. Effects of pesticides on cultural activities.

g. Education about the use of pesticides in Tribal museum curation.

h. Noxious weed educational materials and/or control alternatives.

i. Public outreach/education materials relating to pest management and/or the safe use, storage and disposal of pesticides.

Water quality work products may be focused on monitoring of surface or ground water (e.g., assessing dietary exposure to pesticides via drinking water, determining those water bodies that may be impaired due to pesticides, predicting potential exposure to endangered and threatened aquatic species, or establishing a baseline of contamination from which to measure progress in the future.) Water quality projects may also include information gathering and development such as a vulnerability assessment, determining the pesticides that are most likely to impact water quality, and/or providing information to pesticide users on ways they can assist in ensuring quality water sources. Finally, water quality work may also focus on the development or implementation of programs aimed at preventing contamination of water sources, mitigating contaminated water sources or implementation of best management practices.

Other types of projects not related to water quality may include the establishment of a Tribal code, a system for the proper disposal of pesticides, and/or educational outreach to the community. Sampling projects may include soil sampling, residue sampling on culturallysignificant/medicinal plants, or sampling to determine the effects of pesticides on cultural activities, such as subsistence hunting and fishing.

iii. *How much money may be requested, and are matching funds required*? Maximum funding awarded will not exceed $50,000 per project. Indirect cost rates will not increase the $50,000 maximum funding amount. No matching funds are required.

II. Project Proposal Application Requirements

A. What is Required as Part of the Application Process?

In order to be considered for funding, applicants must submit the following to the regional Tribal pesticide staff contact indicated in Unit I.C.:

1. Project proposal (maximum 6 pages of narrative), including:

i. Name of project.

ii. Tribal project contact (including qualifications).

iii. Project description, including:

- Purpose and goal(s) of the project.
- New or continuing project.
- Environmental or health issues addressed.
- Approach and methods (how the project will be carried out).
- Deliverables.
- Expected/desired outcome.
- Indicators/measures of success.
- Resources and time frame required for project, including beginning and ending dates.

iv. Need for assistance--Provide the following information to the extent it relates to and is relevant to demonstrating the need for the specific project that is proposed:

- A list of other sources of funding you have sought for the project.
- A description of similar, identical, or otherwise relevant work that you have undertaken, including sources of funding for that work.
- A description of Tribal or other studies, surveys and other sources of information that document the environmental issues that will be addressed by the project.

v. Responsible parties and location.

- Identify persons in charge of the project and their qualifications.
- Identify major participants in the project and their qualifications.
- Identify location(s) where the project will be conducted.

vi. External stakeholders.

- Identify those who will be affected by the project and how they will be affected.
- Identify those who will participate in the project and their roles.

vi. Resources.

- Identify any personnel and/or contractors to be involved in the project, including their role and qualifications. Description should include any relevant training or experience. For example, if the project includes sampling and writing of a Sampling and Analysis Plan, describe any experience the person(s) has in writing a Sampling and Analysis Plan, in conducting soil or water sampling, etc.
- Identify existing resources/information that will be used in conducting project.
- Identify any additional resources (including but not limited to training) that will be required for project.
- Describe any EPA training or assistance that will be required for Tribal personnel who will be working on the project. Such training may include the development of outreach material or a Sampling Analysis Plan, etc.

vii. Infrastructure and coordination.

- Identify coordination efforts required to conduct project, within or outside Tribe.
- Identify ways in which this project will improve or build Tribal capacity.
- Identify any assistance you may require in coordinating with other Federal, State or local agencies.

2. *Draft workplan (1-2 pages).* The submitted draft workplan should outline:

i. Deliverables.

ii. The separate phases of the project.

iiii. The tasks associated with each phase of the project.

iv. The time frames for completion of each phase or task.

v. The name, title of the person(s) who will conduct each phase or task.

vi. The dates when progress reports will be provided to EPA, clearly showing deliverables, accomplishments, delays and/or obstacles. Project costs cannot be incurred until a final workplan has been approved by the appropriate EPA regional office.

3. *Estimated budget.* The estimated budget should outline costs for personnel, fringe benefits, travel, equipment, supplies, contractual, indirect cost rate, or any other costs associated with the proposed project.

4. *Letter or resolution from Tribal Council or Chairperson showing support for and commitment to the project.* (If it is not possible to obtain a letter/resolution from the Tribal council or chairperson to submit with your project proposal, an interim letter of explanation must be included with the proposal. The original letter/resolution will still be required prior to project award.)

5. *Letter of confirmation for any other funds needed to complete project.* If your proposal requires the use of additional funds for leveraging, please include a letter from the funding source confirming that these monies are available for the project. If the budget includes a Tribal in-kind contribution, a letter of confirmation is not needed.

6. *Confidential business information.* Applicants must clearly mark information considered confidential business information. EPA will make a final confidentiality determination for information the applicant claims as confidential business information in accordance with Agency regulations at 40 CFR part 2, subpart B.

B. When and Where Must Project Proposals be Submitted?

The applicant may submit a project proposal to the appropriate EPA Regional contact by mail, fax, or electronically. The proposal must be received by the EPA Regional contact listed in Unit I.C. no later than close of business May 15, 2002. If the project proposal is submitted by fax or electronically by May 15, 2002, the EPA Regional contact must receive an original copy of the proposal by mail as soon as possible thereafter. Incomplete or late proposals will be disqualified for funding consideration.

III. Process For Awarding Cooperative Agreements

A. How Will Project Proposals be Reviewed and Selected?

Tribal project proposals will be reviewed and approved for validity and completeness by each respective region and then forwarded, along with regional comments, to an OPP review team. The team will consult with regional staff regarding their comments as necessary. If there is money left over after the selection process is completed, the review team will discuss and determine the allocation of the money. Selections will be made by close of business June 15, 2002. EPA reserves the right to reject all applications or initial/final proposals and make no awards. All costs charged to these awards must be allowable under OMB circular A-87.

B. How will Applicants be Notified?

Regions will notify their respective applicants of the selections. Those applicants not awarded funds may request an explanation from EPA regional staff.

IV. Criteria For Awarding Project Cooperative Agreements

Criteria on which the project proposals will be ranked are listed below. Applicants must submit information specified in this solicitation to address the award criteria. Applicants must also provide information specified in this solicitation that will assist both a Tribe and EPA in assessing the Tribe's capacity to do the project work outlined in the project proposal. The workplan and budget should reflect the training and the work that can realistically be accomplished.

Selection criteria: Total possible points: 80

Environmental issues addressed. Does the project proposal identify the environmental and human health benefits associated with the activity? What are the quality of life issues (benefits) gained by the project? [0 to 20 points]

Deliverables/outcome. What are the deliverables expected from this project? What is the environmental outcome of the project? Does the project have limited or broad application to address risks related to pesticides? Does the project proposal clearly state what it expects to achieve or deliver? [0 to 10 points]

Past performance. If the Tribe has received project funding from EPA in the past, was the outcome/deliverable(s) of the project a success? If the project is still ongoing, was progress made? [0 to 10 points]

Impact assessment/indicators. How does the project propose to quantify and measure its success? How will you evaluate the success of the project in terms of measurable environmental results? [0 to 10 points]

Resources and time frame required for project. Can the project be accomplished with available or existing resources (Tribal or Non-tribal) and within the identified time frame? [0 to 10 points]

Tribal project contact(s). Does the person(s) designated to lead the project have technical expertise and experience? If the project contact(s) assigned to this project do not have relevant training or experience, how will the training necessary to ensure successful completion of the project be obtained? [0 to 5 points]

Major participants/external stakeholders. Has the Tribe identified the need for other parties (Tribal or Non-tribal) who will be involved or who will participate in the project? Who will be affected by the outcome of the project? [0 to 5 points]

Coordination/capacity building. Does the applicant understand/acknowledge the need for coordination between Tribal departments and with outside communities, Federal, State or local government? Will the project help build Tribal infrastructure or capacity? [0 to 5 points]

Transferability. Can the project results be incorporated into the Tribe's pesticide program (if the Tribe has one) or future activities? Can any of the deliverables, experiences, products, or outcomes gained as a result of the project be transferred to other communities? Could this project be implemented by another Tribe? [0 to 5 points]

V. Post Selection Activity

Selected applicants must formally apply for funds through the appropriate EPA regional office. In addition, selected applicants must negotiate a final workplan, including reporting requirements, with the designated EPA regional project officer. For more general information on post award requirements and the evaluation of grantee performance, see 40 CFR part 31.

VI. What Action is the Agency Taking?

The Office of Pesticide Programs, in coordination with the EPA regions, is soliciting Tribal pesticide projects for FY 2002 funding. The total amount of funding available in FY 2002 to be awarded to Tribal governments and/or intertribal consortium for pesticide projects is $445,500.

VII. Statutory Authority and Regulations

Sections 23(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorize EPA to enter into cooperative agreements with States and Indian Tribes to implement pesticide enforcement programs. Pursuant to the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act for FY 1999, pesticide program implementation grants under section 23(a)(1) of FIFRA are available for ''pesticide program development and implementation, including enforcement and compliance activities.''

The award and administration of these grants will be governed by the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments set forth at 40 CFR part 31. Grants awarded pursuant to this solicitation are program grants subject to the regulations for ''Environmental Program Grants for Tribes'' set forth at 40 CFR part 35, subpart B.

VIII. Catalogue of Federal Domestic Assistance

The number assigned to this grant in the Catalogue of Domestic Assistance is 66.500.

IX. Submission to Congress and the Comptroller General

Grant solicitations such as this are considered rules for the purpose of the Congressional Review Act (CRA). The CRA, 5 U.S.C. 801 *et seq*., as added by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 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).

List of Subjects

Environmental protection.

Dated: March 1, 2002.

Kennan Garvey,

Acting Director, Field and External Affairs Division, Office of Pesticide Programs.

[FR Doc. 02–5448 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–42212F; FRL–6827–9]

Endocrine Disruptor Method Validation Subcommittee Under the National Advisory Council for Environmental Policy and Technology; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a meeting of the Endocrine Disruptor Methods Validation Subcommittee (EDMVS), a subcommittee under the National Advisory Council for Environmental Policy and Technology (NACEPT), a Federal Advisory Committee, on March 25th - 27th, 2002. The EDMVS will provide technical advice on screening and testing methods for the Endocrine Disruptor Screening Program (EDSP). The upcoming meeting, as with all EDMVS meetings, is open to the public. Seating is on a first-come basis. Individuals requiring special accommodations at this meeting, including wheelchair access, should contact Jane Smith at the address listed under **FOR FURTHER INFORMATION CONTACT** at least 5 business days prior to the meeting, so appropriate arrangements can be made.

DATES: The meeting will be held on March 25, 2002, from 1 p.m. to 5:45 p.m., March 26 from, 9 a.m. to 4:15 p.m., and March 27 from, 9 a.m. to 12:15 p.m.

Requests to participate in the meeting must be received on or before March 20, 2002.

ADDRESSES: The meeting will be held at RESOLVE, 1255 23rd St., NW, Suite 275, Washington, DC. The telephone number for RESOLVE is (202) 944–2300.

Requests to participate in the meeting may be submitted by electronic mail, telephone, or in person. Please follow the detailed instructions for each method as provided in Unit III. under **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your request must identify docket control number OPPT–42212F in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Jane Smith, Designated Federal Official, Office of Science Coordination and Policy, Mail Code 7201M, Environmental Protection Agency, 1200 Pennsylvania Ave., NW.,Washington, DC 20460; telephone number: (202) 564–8476; fax number: (202) 564–8483; e-mail address: smith.jane-scott@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest if you produce, manufacture, use, consume, work with, or import pesticides chemicals, substances that may have an effect cumulative to an effect of a pesticide, or substances found in sources of drinking water. To determine whether you or your business may have an interest in this notice you should carefully examine section 408(p) of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (Public Law 104–170), 21 U.S.C. 346A(p) and amendments to the Safe Drinking Water Act (Public Law 104–182), 42 U.S.C. 300j–17. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

II. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. A list of EDMVS members and information from previous meetings is available electronically, from the EPA Internet Home Page at http://www.epa.gov/scipoly/oscpendo. To access this document, on the EPA Home Page search for ''Endocrine,'' which will take you to the EDSP web site. You can also go directly to the **Federal Register** listing at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an administrative record for this meeting under docket control number OPPT–42212F. The administrative record consists of the documents specifically referenced in this notice, any public comments received during an applicable comment period, and other information related to Endocrine Disruptor Method Validation, including any information claimed as Confidential Business Information (CBI). The public version of the administrative record is available for inspection in the TSCA Nonconfidential Information Center, North East Mall, Rm B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open form noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260–7099.

III. How Can I Request to Participate in this Meeting?

You may submit a request to participate in the meeting by electronic mail, telephone, by fax, or in person. We would normally accept requests by mail, but in this time of delays in delivery of government mail due to health and security concerns, we cannot assure your request would arrive in a timely manner. Do not submit any information in your request that is considered CBI. Your request must be received by EPA on or before March 20, 2002. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPT–42212F, in the subject line on the first page of your request.

1. *Electronically*. You may submit your request electronically by e-mail to oppt-nicic@epa.gov. Do not submit any information electronically that you consider to be CBI. Use WordPerfect 6.1/8.0 or ASCII file format and avoid the use of special characters and any form of encryption. Be sure to identify by docket control number OPPT–42212F. You may also file a request online at many Federal Depository Libraries.

2. *In person or by courier*. You may deliver a request to: OPPT Docket Control Office, North East Mall, Rm B–607, Waterside Mall, 401M St., SW., Washington, DC. The docket office is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Office is (202) 260–7099.

3. *Fax*. You may fax your request to: Jane Smith, Designated Federal Official, list under **FOR FURTHER INFORMATION CONTACT.**

IV. Background

In 1996, through enactment of the Food Quality Protection Act, which amended the FFDCA, Congress directed EPA to develop a screening program, using appropriate validated test systems and other scientifically relevant information, to determine whether certain substances may have hormonal effects in humans. In 1996, EPA chartered a scientific advisory committee, the Endocrine Disruptor Screening and Testing Advisory Committee (EDSTAC), under the authority of the Federal Advisory Committee Act (FACA) to advise it on establishing a program to carry out Congress' directive. EDSTAC recommended a multi-step approach including a series of screens (Tier 1 Screens) and tests (Tier 2 tests) for determining whether a chemical substance may have an effect similar to that produced by naturally occurring hormones. EPA adopted almost all of EDSTAC's recommendations in the Program that it developed, the Endocrine Disruptor Screening Program (EDSP), to carry out Congress' directive.

EDSTAC also recognized that there currently are no validated test systems for determining whether a chemical may have an effect in humans that is similar to an effect produced by naturally occurring hormones. Consequently, EPA is in the process of developing and validating the screens and tests that EDSTAC recommended for inclusion in the EDSP. In carrying out this validation exercise, EPA is working closely with, and adhering to the principles of the Interagency Coordinating Committee for the Validation of Alternate Methods (ICCVAM). EPA also is working closely with the Organization for Economic Cooperation and Development's Endocine Testing and Assessment Task Force to validate and harmonize endocrine screening tests of international interest.

Finally, to ensure that EPA has the best and most up-to-date advice available regarding the validation of the screens and tests in the EDSP, EPA recently chartered the EDMVS of the NACEPT. The EDMVS provides independent advice and counsel to the Agency through NACEPT, on scientific and technical issues related to validation of the EDSP Tier I screens and Tier II tests, including advice on methods for reducing animal use, refining procedures involving animals to make them less stressful, and replacing animals where scientifically appropriate.

The EDMVS has met twice since its establishment in September 2001. The

objectives of the October 2001 meeting (docket control number 42212D) were for EPA to provide:

• An overview of EPA's Endocrine Disruptor Program.

• Background information on test protocol validation and approaches.

• For the EDMVS to develop a clear understanding of their scope, purpose and operating procedures.

• For the EDMVS and the EDSP to determine the next steps.

The objectives of the December 2001 meeting (docket control number 42212E) were for the EDMVS to provide input and advice on:

• The EDMVS's mission statement and work plan.

• The *in utero* through lactation assay detailed review paper.

• The pubertal assay study design for the multi-dose and chemical array protocols.

• The mammalian one-generation study design.

A list of the EDMVS members and meeting materials are available on our web site, (http://www.epa.gov/scipoly/oscpendo/edmvs.htm), and in the public docket.

V. Meeting Objectives for the March 2002 Meeting

The objectives of the March meeting are for the EDMVS to provide input and advice on:

• EDSP's implementation process and practical aspects of validation.

• The *in utero* through lactation assay protocol.

• The fish reproduction assay detailed review paper.

• Special studies on fathead minnow assays, vitellogenin assay, and avian dosing protocol.

• The aromatase detailed review paper.

• A proposed standard suite of chemicals for testing in the Tier 1 screening assay.

Time for public comment has been reserved on March 25th and 26th just prior to meeting adjournment for the day.

List of Subjects

Environmental protection, Endocrine disruptor screening program, Endocrine disruptors.

Dated: March 4, 2002.

Andy Privee,

Acting Director, Office of Science Coordination and Policy, Office of Prevention, Pesticides and Toxic Substances.

[FR Doc. 02–5736 Filed 3–6–02; 2:21 pm]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–30521; FRL–6824–3]

Pesticide Product; Registration Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application to register a pesticide product containing a new active ingredient not included in any previously registered product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Written comments, identified by the docket control number OPP–30521, must be received on or before April 8, 2002.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–30521 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Barbara Mandula, Regulatory Action Leader, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–7378; and e-mail address: mandula.barbara@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number OPP–30521. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed asconfidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–30521 in the

subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–30521. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the registration activity.

7. Make sure to submit your comments by the deadline in this notice.

8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Registration Applications

EPA received an application as follows to register a pesticide product containing an active ingredient not included in any previously registered product pursuant to the provision of section 3(c)(4) of FIFRA. Notice of receipt of this application does not imply a decision by the Agency on the application.

Product Containing an Active Ingredient not Included in any Previously Registered Product

File Symbol: 73417–R. *Applicant*: Greenville Farms, 6189 N. 1200 E., Logan, UT 84341. *Product Name*: Woad Warrior. Fungal Herbicide. *Active ingredients*: *Puccinia thlaspeos* ''woad strain'' on rust-infected pieces of dyer's woad at 100% and contains at least 7.6 x 10^9 teliospores/pound of Woad Warrior. *Proposed Classification/Use*: None. For control of *Isatis tinctoria* (dyer's woad).

List of Subjects

Environmental protection, Pesticides and pest.

Dated: February 25, 2002.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 02–5444 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00761; FRL–6825–5]

Reclassification of Certain Inert Ingredients and Rhodamine B

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA intends to reclassify eight inert ingredients from List 2, ''Potentially Toxic Inerts/High Priority for Testing'' to List 1 ''Inerts of Toxicological Concern.'' These eight inert ingredients have been determined to be animal carcinogens, thus meeting one of the criteria for reclassification. EPA also intends to reclassify the inert ingredient, Rhodamine B, from List 1 to List 4B, ''inerts for which EPA has sufficient information to reasonably conclude that the current use pattern in pesticide products will not adversely affect public health or the environment.'' This reclassification is based on the Agency's determination that Rhodamine B when used as a dye in seed treatment is not likely to result in residues in food or feed; thus, meeting the criteria of List 4B.

DATES: Comments, identified by docket control number OPP–00761, must be received on or before May 7, 2002.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. under **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00761 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Kathryn Boyle, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–6304; fax number: (703) 305–0599; e-mail address: boyle.kathryn@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to ''those persons who use pesticide products and those who formulate pesticide products and therefore are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide

Act (FIFRA).'' Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

The Agency has established an official record for this action under docket control number OPP–00761. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00761 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–00761. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the notice or collection activity.

7. Make sure to submit your comments by the deadline in this notice.

8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Reclassification of Eight Inert Ingredients from List 2 to List 1

A. Background

On April 22, 1987 (52 FR 13305), EPA announced certain policies designed to reduce the potential for adverse effects from the use of pesticide products containing toxic inert ingredients. In developing the policy, the Agency reviewed the available data on chemicals used as inert ingredients, and concluded that some inert ingredients had potentially significant long-term health and environmental hazards associated with their use in pesticide products. The 1987 Notice categorized all of the then existing inert ingredients into four lists, according to the available information regarding toxicity, i.e., the hazard of the chemical. List 1 inert ingredients, described as ''inerts of toxicological concern'' were so categorized on the basis of toxicological or adverse ecological effects which had been documented in studies subject to peer review. The Agency's criteria for placing an inert ingredient on List 1 were reviewed by the FIFRA Scientific Advisory Panel (SAP).

One of the criteria for being considered a List 1 inert ingredient is to be ''...characterized by the National Toxicology Program (NTP) as an animal carcinogen in at least one species and one sex.'' (Inert ingredients in Pesticide Products; Policy Statement; Revision and Modification of Lists at http://www.epa.gov/opprd001/inerts/fr54.htm). NTP Technical Reports describe the results of individual experiments on a chemical agent and note the strength of evidence for conclusions regarding each study.

In their technical reports, NTP uses five categories of evidence of carcinogenic activity to summarize the strength of the evidence observed in

each experiment. These categories (''no evidence,'' ''equivocal evidence,'' ''some evidence,'' ''clear evidence,'' and ''inadequate study'') have been used by NTP since the 1980s. Two of the categories are for positive results, which demonstrate that a chemical is carcinogenic for laboratory animals under the conditions of the study and indicate that exposure to the chemical has the potential for hazard to humans. ''Clear evidence'' of carcinogenic activity is demonstrated by studies that are interpreted as showing a dose-related increase of malignant neoplasms or of a combination of malignant and benign neoplasms, or a marked increase of benign neoplasms if there is an indication from this or other studies of the ability of such tumors to progress to malignancy. ''Some evidence'' of carcinogenicity is demonstrated by studies that are interpreted as showing a chemically-related increased incidence of neoplasms (malignant, benign, or combined) in which the strength of the response is less than that required for clear evidence.

B. NTP Technical Reports for the Eight Inert Ingredients

For the purpose of reclassifying a List 2 inert ingredient to a List 1 inert ingredient the two categories (described above) for positive results (''clear evidence'' and ''some evidence,'') meet the List 1 placement criteria of being characterized by NTP as an animal carcinogen in at least one species and one sex. The data in the NTP Technical Reports as described in the table and summaries below fully support a reclassification to List 1 for the following inert ingredients. The complete reports are available at http://ntp-server.niehs.nih.gov/.

NTP Report Number	Category	Inert Ingredient	CAS Reg. No.
TR–424	Some evidence	2-Benzyl-4-chlorophenol	120–32–1
TR–484	Some evidence	2-Butoxyethanol (ethylene glycol monobutyl ether)	111–76–2
TR–213 TR–458	Some evidence	Butyl benzyl Phthalate	85–68–7
TR–478	Clear evidence	Diethanolamine	11–42–2
TR–466	Clear evidence Some evidence	Ethylbenzene	100–41–l4
TR–329	Clear evidence	1,2-Epoxybutane(butylene oxide)	106–88–7
TR–332	Some evidence	2-Mercaptobenzothiazole	149–30–4
TR–461	Clear evidence	Nitromethane	75–52–5

1. *2-Benzyl-4-chlorophenol*. There were two chronic toxicity/carcinogenicity gavage studies performed on 2-benzyl-4-chlorophenol, which is also known as o-benzyl-p-chlorophenol. Under the conditions of the 2–year rat study, there was no evidence of carcinogenic activity in male rats and there was equivocal evidence of carcinogenic activity in female rats based on the occurrence of two rare renal transitional cell carcinomas. Under the conditions of the 2–year study, in mice there was some evidence of carcinogenic activity in male mice based on increased incidences of renal tubule ademona and renal tubule adenoma or carcinoma (combined) and there was no evidence of carcinogenic activity in female mice.

2. *Butyl benzyl phthalate*. There was a 2–year chronic toxicity/carcinogenicity study in rats performed using butyl benzyl phthalate. As evaluated in 1997, under the conditions of this study, there was some evidence of carcinogenic activity in male rats based on increased incidences of pancreatic acinar cell adenoma and of acinar cell adenoma or carcinoma (combined) and there was equivocal evidence of carcinogenic activity in females rats based on the marginally increased incidences of pancreatic acinar cell adenoma and of transitional epithelial papilloma of the urinary bladder. Results of mutagenicity testing, a mouse bone marrow sister chromatic exchange test were positive at sample times of 23 and 42 hours. Chromosomal aberrations were induced in bone marrow cells of male mice sampled 17 hours after intraperitoneal injection of butyl benzyl phthalate.

3. *2-Butoxyethanol*. There were two inhalation chronic toxicity/carcinogenicity studies performed on 2-butoxyethanol. Under the conditions of these studies, there was no evidence of carcinogenic activity in male rats. There was equivocal evidence of carcinogenic activity in female rats based on the increased combined incidences of benign or malignant pheochromocytoma (mainly benign) of the adrenal medulla. There was some evidence of carcinogenic activity in male mice based on increased incidences of hemangiosarcoma of the liver. There was some evidence of carcinogenic activity in female mice based on increased incidences of fore stomach squamous cell papilloma or carcinoma (mainly papilloma).

2-Butoxyethanol has also been reviewed by a team of Agency health scientists. The results of this recent review on (December 31, 1999) can be located on the Agency's website at http://www.epa.gov/ngispgm3/iris/subst/0500.htm. In accordance with the 1996 proposed Guidelines for Carcinogen Risk Assessment, 2-butoxyethanol has been classified as a chemical whose carcinogenic potential for humans cannot be determined, but for which there is suggestive evidence that raises concern for carcinogenic effects. This classification was based on the reviews of the NTP studies, the fact that 2-butoxyethanol is generally negative in genotoxicity tests and the uncertainty of the relevance of these tumors to humans. Thus, while 2-butoxyethanol has not been classified as a known/likely human carcinogen, it also cannot be classified as not likely to be a human carcinogen. Indeed, it was clearly stated that there was ''suggestive evidence that raises concern for carcinogenic effects.''

Under the Agency's 1986 Guideline, 2-butoxyethanol would be judged as Group C, possible human carcinogen. Based on the evidence of carcinogenicity in mice,2-butoxyethanol meets the criteria for inclusion on List 1 of being an animal carcinogen in at least one species and one sex.

4. *Diethanolamine*. There were two dermal chronic toxicity/carcinogenicity studies performed on diethanolamine. Under the conditions of these 2–year studies, there was no evidence of carcinogenic activity of diethanolamine in male or female rats. There was clear evidence of carcinogenic activity of diethanolamine in male and female mice based on increased incidences of liver neoplasms in males and females and increased incidences of renal tubule neoplasms in males.

5. *Ethylbenzene*. There were two inhalation chronic toxicity/carcinogenicity studies performed on ethylbenzene. Under the conditions of the 2–year rat study, there was clear evidence of carcinogenic activity in male rats based on increased incidences of renal tubule neoplasms. The incidences of testicular adenomas were also increased. There was some evidence of carcinogenic activity in female rats based on increased incidences of renal tubule adenomas. There was some evidence of carcinogenic activity in male mice based on increased incidences of alveolar/bronchiolar neoplasms and in female mice based on increased incidences of hepatocellular neoplasms.

6. *1,2-Epoxybutane*. There were two inhalation chronic toxicity/carcinogenicity studies performed on 1,2-epoxybutane. Under the conditions of these studies, there was clear evidence of carcinogenic activity in male rats based on an increased incidence of papillary adenomas of the nasal cavity, alveolar/bronchiolar carcinomas, and alveolar/bronchiolar adenomas and carcinomas (combined). There was equivocal evidence of carcinogenic activity for female rats based on papillary adenomas of the nasal cavity. There was no evidence of carcinogenic activity in male or female mice. 1,2-Epoxybutane was mutagenic in *Salmonella typhimurium* strains, induced forward mutations in mouse lymphoma cells, and induced chromosomal aberrations and sister chromatid exchanges in chinese hamster ovary (CHO) cells.

7. *2-Mercaptobenzothiazole*. There were two gavage chronic toxicity/carcinogenicity studies performed on 2-mercaptobenzothiazole. Under the conditions of the studies, there was some evidence of carcinogenic activity in male rats indicated by increased incidences of mononuclear cell leukemia, pancreatic acinar cell adenomas, adrenal gland pheochromocytomas, and preputial gland adenomas or carcinomas (combined), and in female rats, based on increased incidences of adrenal gland pheochromocytomas and pituitary gland adenomas. There was no evidence of carcinogenic activity in male mice. There was equivocal evidence of carcinogenic activity for female mice based on increased incidences of hepatocellular adenomas or carcinomas (combined).

8. *Nitromethane*. There were two inhalation chronic toxicity/carcinogenicity studies performed on nitromethane. Under the conditions of these studies, there was no evidence of carcinogenic activity in male rats. There was clear evidence of carcinogenic activity in female rats based on increased incidences of mammary gland fibroadenomas and carcinomas, in male mice based on increased incidences of harderian gland adenomas and carcinomas, and in female mice based on increased incidences of liver neoplasms (primarily adenomas) and harderian gland adenomas and carcinomas. Increased incidences of alveolar/bronchiolar adenomas and carcinomas in male and female mice exposed to nitromethane were also considered to be related to administration of nitromethane.

C. Future Actions

EPA solicits comments upon the conclusions set forth in this Notice. The Agency will review and evaluate any submitted comments, and will then publish a final Notice in the **Federal Register** to complete the reclassification of these chemicals. After the publication of that Notice, as an immediate step to inform users and the general public of the presence of an inert of toxicological concern, EPA anticipates requiring that the presence of the reclassified List 1 inert ingredient be disclosed on the label. Registrants of a product that contains one or more inert ingredients that are the subject of this notice will receive correspondence from the Agency concerning the procedures for label disclosure.

EPA also anticipates that products containing one or more of these reclassified List 1 inert ingredients will be subject to a Data-Call-In (DCI) Notice. This DCI (expected to be issued in the near future) would require the submission of an extensive data set to support the continued use of these List 1 inert ingredients in pesticide products. The Agency would also provide in the DCI a list of all registrants or designated agents whose products contain one or more of these List 1 inert ingredients, which will allow registrants to form groups for the purposes of data generation and submission.

III. Reclassification of Rhodamine B from List 1 to List 4B

A. Background

The previously described **Federal Register** notice published on April 22, 1987 (52 FR 13305), also established List 4 inert ingredients ''inerts of minimal concern.'' On November 22, 1989 (54 FR 48314), List 4 was further subdivided into List 4A and 4B. List 4B inert ingredients are ''inerts for which EPA has sufficient information to reasonably conclude that the current use pattern in pesticide products will not adversely affect public health or the environment.''

Rhodamine B's current classification as a List 1 inert ingredient is due to its carcinogenicity. A Rhodamine B DCI Notice was issued in February 1993 that required registrants of products containing Rhodamine B to generate additional toxicity data (to further define the hazard) and exposure data to support the continued registration of their products. If submitted, these data would have been used to perform a risk assessment to support all uses of Rhodamine B. However, as a result of the issuance of the DCI, most of the existing uses of Rhodamine B as an inert ingredient were not supported. Registrants of non-seed treatment pesticide products either reformulated their products to use substitutes for Rhodamine B or voluntarily canceled those products containing Rhodamine B rather than generate data to support the use of Rhodamine B as a food-use. However, several registrants wished to retain the use of Rhodamine B as a dye in seed treatment pesticide formulations. They submitted to the Agency a radiolabeled magnitude of the residue study in which Rhodamine B was used to dye seeds that were then planted and grown to harvest.

In the **Federal Register** of August 2, 2001 (66 FR 40170) (FRL–6598–4), EPA issued a proposal pursuant to section 408 of the FFDCA, 21 U.S.C. 346a as amended by the Food Quality Protection Act (FQPA) (Public Law 104–170) to limit the uses of Rhodamine B as a dye in seed treatment only. As explained in the proposed rule, based on its review and evaluation of the submitted data, EPA concluded that use of Rhodamine B as a dye in seed treatment is a non-food use, because the use is not likely to result in residues in food or feed.

Therefore, neither a tolerance nor a tolerance exemption is needed for the use of Rhodamine B as a dye in seed treatment pesticide products.

The final rule was published on December 27, 2001 (66 FR 66769) (FRL–6813–6). The Rhodamine B use pattern is now limited to use as a dye in seed treatment, and for a period of 3 years Rhodamine B can also be used as a dye in animal ear tag pesticide products. This 3–year time frame is needed to allow those pesticide ear tag products containing Rhodamine B to clear the channels of trade.

B. Future Actions

Rhodamine B's classification as a carcinogen remains unchanged. However, the Agency no longer considers List 1 classification for Rhodamine B for its use as a dye in seed treatment pesticide products to be appropriate. List 1 classifications are made according to hazard criteria only. However, the December 27, 2001 **Federal Register** limited the use of Rhodamine B to a specified use pattern. A List 4B inert ingredient is considered to be an inert ingredient for which the available toxicity (hazard) information when paired with the available exposure information indicates no reasonable expectation of adverse effects. Rhodamine B now meets the definition of a List 4B, and will be reclassified as such.

Those persons desiring to register products containing Rhodamine B as an inert ingredient for any uses other than as a dye in seed treatment would need to submit an extensive data set similar to that required in the 1993 Rhodamine B DCI. These data would be used by the Agency in a risk assessment on the proposed use. If, the risk assessment supports the required safety finding, then the use would be approved.

List of Subjects

Environmental protection, pesticides and pests.

Dated: February 26, 2002.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 02–5445 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[PF–1072; FRL–6825–8]

Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket control number PF–1072, must be received on or before April 8, 2002.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1072 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Tompkins, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–5697; e-mail address: tompkins.jim@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to, the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number PF–1072. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as, the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1072 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division

(7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters, and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number PF–1072. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Make sure to submit your comments by the deadline in this notice.

7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 21, 2002.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner summary of the pesticide petition is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by E. I. du Pont Nemours and Company, and represents the view of the E. I. du Pont Nemours Company. EPA is publishing the petition summary verbatim without editing it in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

E. I. du Pont Nemours and Company

PP 0F6120

EPA has received a pesticide petition (0F6120) from E. I. du Pont de Nemours and Company, DuPont Agricultural Products, Barley Mill Plaza, Wilmington, DE 19880–0038 proposing, pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of the herbicide chlorsulfuron: 2-Chloro-N-[(4-methoxy-6-methyl-1,3,5-triazin-2-yl) aminocarbonyl] benzenesulfonamide in or on the raw agricultural commodities grass forage at 11 parts per million (ppm) and grass hay at 19 ppm. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time, or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism.* The qualitative nature of residue in plants is adequately understood. Metabolism studies have been conducted in both wheat and barley and the metabolic profiles are consistent. In wheat, ^{14}C-triazine chlorsulfuron and ^{14}C-phenyl chlorsulfuron were applied foliarly to the field plots at the rates of 0.25 ounce active indregient/acre (oz ai/A) and 1.5 oz ai/A. Samples of wheat were harvested on the day of application (forage), 7 days later (late forage), and 19 days later (hay). At maturity, 82 days after treatment, the grain heads and straw were harvested. Chlorsulfuron showed systemic absorption and translocation. The deposited radioactivity on surfaces is small. Combustion analysis of the 0–day, 7–day, and 19–day 1x treatment resulted in total radioactive residue (TRRs) of approximately 1.155 ppm, 0.065 ppm, and 0.017 ppm ^{14}C-triazine chlorsulfuron equivalent, and 1.168 ppm, 0.102 ppm, and 0.024 ppm ^{14}C-phenyl chlorsulfuron equivalent, respectively. TRRs for the samples taken at maturity were 0.003 ppm for the straw, and at or below the limit of detection (0.001 ppm) for the grain. The primary metabolic pathway of chlorsulfuron in plants, involved hydroxylation of the intact parent molecule to yield 5-hydroxy chlorsulfuron, which subsequently underwent glucoside conjugation. The glucose conjugate of 5-hydroxy chlorsulfuron accounts for 49.5% and 25.6% TRR (0.032 and 0.004 ppm) in

wheat 7 and 19 days after ^{14}C-triazine chlorsulfuron treatment; and for 30.3% and 24.6% TRR (0.031 ppm and 0.006 ppm) 7 and 19 days after ^{14}C-phenyl chlorsulfuron treatment. In the 19–day triazine and phenyl labeled samples, 5-hydroxy chlorsulfuron was present at 0.001 ppm. After glucoside conjugation, the cleavage of the sulfonylurea linkage occurs to yield the corresponding sulfonamide conjugate and triazine. ^{14}C-triazine chlorsulfuron treated wheat contains 6.5% TRR (0.004 ppm) triazine amine in the 7–day sample. The glucose conjugate of 5-hydroxy chlorsulfonamide accounts for 8.6% TRR (0.009 ppm) in the 7–day sample and 10.4% TRR (0.002 ppm) in the 19–day sample from ^{14}C-phenyl chlorsulfuron treated wheat.

2. *Analytical method.* The analytical enforcement method exists for the determination of chlorsulfuron in cereal forage, hay, grain and straw and grass forage and hay. Samples are extracted in aqueous solution, acidified, purified and concentrated by reversed-phase solid-phase extraction. Extracts are analyzed by liquid chromatography/mass spectrometry employing electrospray ionization (ESI-LC/MS).

3. *Magnitude of residues.* It has been determined that the residue to be regulated is parent chlorsulfuron only. A study was conducted to determine the magnitude of residues of chlorsulfuron and its metabolite, 5-hydroxy chlorsulfuron in wheat forage, grain and straw following application of Glean FC herbicide, at the maximum label rate. Chlorsulfuron residues in wheat grain and straw were below 0.05 ppm, the limit of quantitation (LOQ) at all sites. Chlorsulfuron residues in wheat forage were below 0.05 ppm in all sites (PHI of 19 to 35 days) except one which had a residue level range of 0.31–0.60 ppm (PHI of 1 day).

Another study was conducted to determine the magnitude of residues of chlorsulfuron in wheat forage and hay at a 0 day PHI following application of chlorsulfuron at 0.5 oz a.i./A. The residues for wheat forage ranged between 0.66 and 5.0 ppm. The residues for wheat hay ranged between 0.56 and 12 ppm.

An additional study determined the magnitude and decline of residues of chlorsulfuron in pasture grass forage and hay following application of chlorsulfuron at 1.0 oz a.i./A. The application was made with the shortest time to harvest allowed by the label (0 day PHI). Applications were made, when the grass was at a forageable stage of growth. At a 0 day PHI, the residue levels in the grass forage were between 1.2 and 11 ppm. The residue levels in the grass hay at 0–day PHI were between 1.0 and 19 ppm.

In a greenhouse rotational crop study, wheat, sugar beets and rape plants were grown on soil, which had been treated with ^{14}C-chlorsulfuron at 1.0 oz/A and field-aged for periods of 4 and 12 months. In all crops planted 4 months following chlorsulfuron treatment, intact ^{14}C-chlorsulfuron, if present at all, was less than 0.2 parts per billion (ppb).

B. Toxicological Profile

1. *Acute toxicity.* Based on EPA criteria, technical chlorsulfuron is in toxicity Category IV for oral and inhalation routes of exposure, and for dermal irritation. Chlorsulfuron is in toxicity Category III for eye irritation, and the dermal route of exposure. It is not a skin sensitizer.

Acute oral toxicity in rats: LD_{50} = 5,545 milligrams/kilogram (mg/kg) (M), 6,293 mg/kg (F) mg/kg (F)

Acute dermal toxicity in rabbits: LD_{50} > 3,400 mg/kg

Acute inhalation toxicity in rats: LC_{50} > 5.9 mg/L

Primary eye irritation in rabbits: Moderate effects reversed within 72 hours

Primary dermal irritation in rabbits: non-irritant

2. *Genotoxicty.* Technical chlorsulfuron has shown no genotoxic or mutagenic activity in the following *in vitro* and *in vivo* tests:

In vitro Mutagenicity Ames Assay: Negative

In vitro Mutagenicity CHO/HPRT Assay: Negative

In vitro Cytogenetic Study: Negative

In vitro DNA Repair Study: Negative

In vitro UDS: Negative

In vivo Dominant Lethal Mutagenicity: Negative

3. *Reproductive and developmental toxicity.* In a multigeneration reproduction study in rats fed 0, 100, 500, or 2,500 ppm chlorsulfuron, the only observed effect on reproduction endpoints was slightly decreased fertility indices in rats from the 2,500 ppm group. Mean number of pups per litter, gestation, lactation, and viability indices, litter survival, and mean weanling body weights and weight gains were not adversely influenced by chlorsulfuron. No gross or histopathological abnormalities were observed in weanling rats. The no observed adverse effect level (NOAEL) based on decreased fertility indices was 500 ppm. The NOAEL based on systemic toxicity was 100 ppm.

In studies conducted to evaluate potential developmental toxicity, chlorsulfuron was neither teratogenic nor uniquely toxic to the conceptus (i.e., not considered a developmental toxin). In the rat study, chlorsulfuron was administered by gavage to rats on days 7–16 of gestation at daily dose levels of 0, 55, 165, 500, or 1,500 mg/kg. There was evidence of maternal toxicity (spontaneous death, weight loss, reductions of feed consumption) at the two highest dose levels. The remaining groups showed no evidence of any effects on maternal body weights, feed consumption or clinical signs. No effects were seen in any experimental group on mean nidations, live fetuses per litter, *in utero* survival or on mean corpora lutea counts. Fetal toxicity was evident as a depression in fetal weights only at the highest dose tested (HDT). Treatment with chlorsulfuron did not result in any significant increase in fetal alterations (malformations or variations). Maternal toxicity was observed at daily dose levels greater than or equal to 500 mg/kg. Fetal toxicity was seen only at a level of 1,500 mg/kg, a maternally toxic dose. The NOAEL was 165 mg/kg/day for the dam and 500 mg/kg/day for the conceptus. In the rabbit developmental toxicity study, chlorsulfuron was administered by gavage to rabbits on days 7–19 of gestation at daily dose levels of 0, 25, 75, 200, or 400 mg/kg. Since no overt maternal or fetal toxicity was evident, a supplementary study was conducted in which chlorsulfuron was administered at daily dose levels of 0, 400, and 1,000 mg/kg. Maternal toxicity, evident at the highest level, 1,000 mg/kg/day, consisted of a significant incidence of mortality and abortions; a significant increase in the incidence of females with clinical signs and significantly decreased mean maternal body weight changes. In addition, mean maternal weight gains for days 7–29 were also significantly reduced. At 400 mg/kg/day, the only evidence of maternal toxicity was a significant reduction in mean maternal adjusted body weight gains on days 7–29. No other maternal toxic effects were seen at any dose level. There was no evidence of fetal toxicity seen in either study. Therefore, under the conditions of these studies, the NOAEL was 200 mg/kg/day for the dam and > 1,000 mg/kg/day for the conceptus.

4. *Subchronic toxicity.* In a ten-dose oral subacute test, chlorsulfuron was administered orally to male rats at a repeated dose level of 2,200 mg/kg/day for 10 days over a 2–week period. No test compound-related gross or histologic changes were observed.

The rat was the most sensitive species to subchronic exposure of chlorsulfuron. Male and female rats were fed diets for 98 days that contained

0, 100, 500, or 2,500 ppm chlorsulfuron. Male rats fed diets at 500 or 2,500 ppm exhibited decreased urine pH and decreased plasma creatinine. Rats in the 500 and 2,500 ppm groups also exhibited decreased monocyte counts. These findings show that the NOAEL for chlorsulfuron was 100 ppm for male and female rats (98–day dietary). In the mouse study, groups of male and female mice were fed chlorsulfuron at levels of 0, 500, 2,500, 5,000, or 7,500 ppm. No meaningful differences in weight gain, food consumption, or food efficiency existed between control and treated mice fed chlorsulfuron. Male mice fed 5,000 or 7,500 ppm had lower erythrocyte count and higher mean corpuscular volumes and mean corpuscular hemoglobin values than control males. Female mice fed 5,000 or 7,500 ppm, had fewer neutrophilic granulocytes and more lymphocytes than control females. No hematologic effects were seen in mice fed 500 or 2,500 ppm chlorsulfuron. Gross pathologic findings in mice at all feeding levels and microscopic findings in mice fed 7,500 ppm were considered to be spontaneous or the result of intercurrent disease. No effects attributable to the feeding of chlorsulfuron were observed in mice fed 500 or 2,500 ppm chlorsulfuron. Therefore, the NOAEL for male and female mice is 2,500 ppm (90–day dietary).

5. *Chronic toxicity.* In a long-term feeding study with chlorsulfuron, male and female mice were fed diets of 0, 100, 500, or 5,000 ppm chlorsulfuron. Mean body weights and weight gains of mice in the 5,000 ppm treatment groups were decreased when compared to those of their respective control groups. The NOAEL for chronic (2–year dietary) exposure of chlorsulfuron in mice was 500 ppm for male and female mice. No behavioral, clinical, hematological, gross pathological or histological abnormalities were observed, that could be related to the dietary administration of chlorsulfuron. Chlorsulfuron was not oncogenic when administered to male and female mice for 2 years at levels of 100, 500, or 5,000 ppm. In a long-term feeding study, male and female rats were fed diets containing 0, 100, 500, or 2,500 ppm chlorsulfuron. Mild to moderate reduction in mean body weights and weight gains in male rats from the 500 and 2,500 ppm treatment groups was observed. No other behavioral, nutritional, clinical, or hematological abnormalities that could be attributed to chlorsulfuron treatment were observed during the feeding study. The NOAEL (2–year dietary) in male and female rats was 100 ppm (5 mg/kg). Chlorsulfuron was not an oncogen in rats.

In a 1–year chronic study with dogs, male and female dogs were fed dietary levels of 0, 100, 2,000, or 7,500 ppm chlorsulfuron. There were slight body weight decreases and hematological changes in females in the 7,500 ppm treatment group. Therefore, the NOAEL (1–year dietary) is 2,000 ppm.

6. *Animal metabolism.* Due to its rapid elimination, metabolism of chlorsulfuron in animals is minimal. O-Demethylation and cleavage of the sulfonylurea linkage were observed.

Rats were dosed with ^{14}C-phenyl labeled chlorsulfuron. Chlorsulfuron and its metabolites were excreted rapidly from the rats. An average of 85% of the recovered radioactivity was excreted in the urine and 12% in the feces. Less than 1% of any of the various doses was retained in the body organs. Most (85%) of the excreted radioactivity was present, as intact chlorsulfuron with minor amounts of 2-chlorobenzene-sulfonamide and two polar metabolites.

Results from a metabolism study with two radioactive forms of chlorsulfuron (^{14}C-triazine and ^{14}C-phenyl) in lactating goats show that chlorsulfuron is readily excreted unchanged in urine and feces of the goat. The target dose for each test goat was 45 mg/goat/day, which is equivalent to a daily dietary intake of 25 ppm, assuming daily food consumption of 1.8 kg. The results of this study indicate that chlorsulfuron is readily excreted unchanged in urine and feces of the goat. A majority of the cumulative dose was excreted in the urine (69–75%) and feces (5.9–7.6%).

Additional radioactivity was recovered in the cage wash and accounted for 3.8–6.7% of the dose. O-desmethylchlorsulfuron was identified in the feces indicating there is O-dealkylation of chlorsulfuron most likely by gut microflora. The appearance of 4-methoxy-6-methyl-1,3,5-triazin-2-amine and 2-chlorobenzenesulfonamide indicates hydrolysis of the amide linkage in the sulfonylurea bridge. Neither of these metabolites was present in the urine or feces, suggesting they are further metabolized before being excreted. Total milk residues reached steady-state after 24 hours, indicating bioaccumulation of residues in milk is unlikely. The highest tissue residues were found in the kidney and liver, because urinary and fecal excretion are the primary routes of elimination for chlorsulfuron. It is unlikely that chlorsulfuron or any of its metabolites will bioaccumulate in the tissues or milk of the lactating goat.

The poultry metabolism study was conducted at 1 ppm ^{14}C-chlorsulfuron in feed for up to 14 days in laying hens. After 14 days, 85–99% of the total radioactivity was accounted for in the hen excreta, with the majority being ^{14}C-chlorsulfuron. These data are consistent with previous research; demonstrating no accumulation of chlorsulfuron residues in animal tissues and minimal metabolism of the chlorsulfuron molecule in the rat and goat.

Dairy cattle were fed chlorsulfuron at dietary levels of 2, 10, and 50 ppm for 28 days. The chlorsulfuron residue levels in milk rose within 3 days to steady-state plateaus, remaining constant during fortified feeding, and decreased to below the analytical detection limit of 0.010 ppm within 3 days of terminating the fortified feeding. Average steady-state residue levels in the milk during fortified feeding, were 0.064 ppm for cows fed at the 50 ppm dietary rate and 0.013 ppm for cows fed at the 10 ppm dietary rate. No more than 0.2% of the ingested chlorsulfuron appeared as residues in the milk. Chlorsulfuron was rapidly eliminated from the animal in the urine and feces. Average concentrations of chlorsulfuron in urine and feces were 24 ppm and 0.6 ppm, respectively, for cows fed chlorsulfuron at the 50 ppm dietary level. Chlorsulfuron was detected in the kidney 0.25 ppm, liver 0.024 ppm, and lean muscle < 0.010 ppm of the cow fed at the 50 ppm dietary level, but was undetected (< 0.01 ppm in subcutaneous fat. Chlorsulfuron residues in all analyzed tissue decreased to< 0.010 ppm for all cows within 8–days of returning to a diet without chlorsulfuron. Addition of the proposed grass tolerances will not significantly increase the dietary burden for cattle since tolerances already exist for cereal feed commodities. The total dietary burden of chlorsulfuron for cattle will remain less than 50 ppm.

7. *Metabolite toxicology.* There is no evidence that the metabolites of chlorsulfuron as identified in either the plant, or animal metabolism studies are of any toxicological significance.

8. *Endocrine disruption.* Chronic, lifespan, and multigenerational bioassays in mammals and acute, and subchronic studies on aquatic organisms and wildlife did not reveal endocrine effects. Any endocrine related effects, would have been detected in this definitive array of required tests. The probability of any such effect due to agricultural uses of chlorsulfuron is negligible.

C. Aggregate Exposure

1. *Dietary exposure.* Since pasture grasses are cattle feed commodities, rather than food commodities, addition of grass forage and hay tolerances, will not contribute directly to dietary exposure.

i. *Food.* A dietary exposure assessment for chlorsulfuron was conducted using the Dietary Exposure Evaluation Model Versions 6.79 (Acute Module) and 6.76 (Chronic Module) of DEEM. Dietary exposure to chlorsulfuron, was based upon the following food commodities: Barley, oat, wheat, milk, and meat. For this assessment, it was assumed that 100% of the crop was treated with chlorsulfuron. Based on a comparison with the use profile for most other herbicides, this is an extremely conservative estimate. Chlorsulfuron is not an acute toxicant, however, for completeness an acute dietary risk assessment was conducted. The predicted acute exposure for the U.S. population subgroup was 0.0039 milligrams/kilograms bodyweight/day (mg/kg bwt/day) at the 95th percentile. The population subgroup with the highest predicted level of acute exposure at the 95th percentile was the children, age 1–6 years old subgroup with an exposure of 0.0084 mg/kg bwt/day. Based on a NOAEL of 165 mg/kg bwt/day from the repeated dose developmental toxicity study, and a 100–fold safety factor, the acute reference dose (aRfD) would be 1.65 mg/kg bwt/day. For the U.S. population, the predicted exposure at the 95th percentile is equivalent to 0.24% of the aRfD. For the population subgroup with the highest level of exposure (children 1–6 years old), the exposure at the 95th percentile would be equivalent to 0.51% of the aRfD. Because the predicted exposures expressed as percentages of the aRfD, are well below 100%, there is reasonable certainty that no acute effects would result from dietary exposure to chlorsulfuron.

The predicted chronic exposure for the U.S. population subgroup was 0.0013 mg/kg bwt/day. The population subgroup with the highest predicted level of chronic exposure was the children, age 1–6 year subgroup with an exposure of 0.0038 mg/kg bwt/day. Based on a chronic NOAEL of 5 mg/kg bwt/day and a 100–fold safety factor, the chronic reference dose (cRfD) would be 0.05 mg/kg bwt/day. For the U.S. population, the predicted exposure is equivalent to 2.5% of the cRfD. For the population subgroup with the highest level of exposure (children, 1–6 years old), the exposure would be equivalent to 7.7% of the cRfD. Because the predicted exposures, expressed as percentages of the cRfD, are well below 100%, there is reasonable certainty, that no chronic effects would result from dietary exposure to chlorsulfuron.

ii. *Drinking water.* Surface water exposure was estimated using the Generic Expected Environmental Concentration (GENEEC) model, a screening level model for determining concentrations of pesticides in surface water. GENEEC uses the soil/water partition coefficient, hydrolysis half life, and maximum label rate to estimate surface water concentration. In addition, the model contains a number of conservative underlying assumptions. Therefore, the drinking water concentrations derived from GENEEC for surface water are likely to be overestimated. Ground water exposures were estimated, using SCI-GROW and predicted levels were below those predicted by GENEEC; so GENEEC estimates were used below. EPA uses drinking water levels of comparison (DWLOCs) as a surrogate measure to capture risk associated with exposure to pesticides in drinking water. A DWLOC is the concentration of a pesticide in drinking water, that would be acceptable as an upper limit in light of total aggregate exposure to that pesticide from food, water, and residential uses. A DWLOC will vary, depending on the residue level in foods, the toxicity endpoint, and with drinking water consumption patterns and body weights for specific subpopulations.

iii. *Acute exposure and risk.* The acute DWLOCs are 58 ppm for the U.S. population and 16 ppm for the subpopulation with the highest exposure (infants < 1 year old). The estimated maximum concentration of chlorsulfuron in surface water (7.4 ppb derived from GENEEC, is much lower than the acute DWLOCs. Therefore, one can conclude with reasonable certainty that residues of chlorsulfuron in drinking water do not contribute significantly to the aggregate acute human health risk.

iv. *Chronic exposure and risk.* The chronic DWLOCs are 1.7 ppm for the U.S. population and 0.5 ppm for the subpopulation with the highest exposure (children 1–6 years old). These DWLOCs values are significantly higher than the GENEEC 56–day estimated environmental concentration of 7.3 ppb for chlorsulfuron in surface water. Therefore, one can conclude with reasonable certainty that residues of chlorsulfuron in drinking water, do not contribute significantly to the aggregate chronic human health risk.

v. *Acute risk.* Using the exposure assumptions described above, DuPont concluded with reasonable certainty that the aggregate exposure to chlorsulfuron to food will utilize less than 1% of the aRfD for all population subgroups. EPA generally has no concern for exposures below 100% of the aRfD because the aRfD represents the level at or below which a single day's aggregate exposure will not pose appreciable risks to human health. Despite the theoretical potential for exposure to chlorsulfuron in drinking water, the aggregate exposure (food + water) will not exceed the Agency's level of concern.

vi. *Chronic risk.* Using the exposure assumptions described above, DuPont has concluded that aggregate exposure to chlorsulfuron from food will utilize less than 8% of the cRfD for all population subgroups. EPA generally has no concern for exposures below 100% of the cRfD because the cRfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the theoretical potential for exposure to chlorsulfuron in drinking water, the aggregate exposure will not exceed 100% of the cRfD.

2. *Non-dietary exposure.* Chlorsulfuron is not registered for any use that could result in non-occupational or non-dietary exposure to the general population.

D. Cumulative Effects

Chlorsulfuron belongs to the sulfonylurea class of crop protection chemicals. While other structurally similar compounds in this class are registered herbicides, the herbicidal activity of sulfonylureas is due to the inhibition of acetolactate synthase (ALS), an enzyme found only in plants. This enzyme is part of the biosynthesis pathway leading to the formation of branched chain amino acids. Animals lack ALS and this biosynthetic pathway. This lack of ALS contributes to the relatively low toxicity of sulfonylurea herbicides in animals. There is no reliable information that would indicate or suggest that chlorsulfuron has any toxic effects on mammals that would be cumulative with those of any other chemical.

E. Safety Determination

1. *U.S. population.* The proposed analytical methods involve extraction, purification and concentration by reversed-phase solid-phase extraction. Extracts are analyzed by liquid chromatography/mass spectrometry

employing electrospray ionization (ESI-LC/MS).

Based on data and information submitted by DuPont, EPA previously determined that the establishment of tolerances of chlorsulfuron on wheat, barley, oats, milk and meat would protect the public health, including the health of infants and children. Establishment of a new tolerance of 11 ppm for chlorsulfuron on grass, forage and 19 ppm on grass, hay will not adversely impact public health. The proposed new tolerances are for feed commodities and will not directly impact human dietary intake. The proposed use on grass will only pose a small incremental increase in potential dietary burden for cattle. It has been determined that the existing meat and milk tolerances will accommodate this proposed new use on pasture grasses.

Based on the completeness and reliability of the toxicology database and using the conservative assumptions presented earlier, EPA has established a RfD of 0.05 mg/kg/day. This was based on the NOAEL for the chronic rat study, females (5.0 mg/kg/day) and a 100-fold safety factor. It has been concluded that the aggregate exposure was less than 8% of the RfD. Generally, exposures below 100% of the RfD are of no concern because it represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risk to human health. Thus, there is reasonable certainty that no harm will result from aggregate exposures to chlorsulfuron residues.

2. *Infants and children.* In assessing the potential for additional sensitivity of infants and children to residues of chlorsulfuron, data from the previously discussed developmental and multigeneration reproductive toxicity studies were considered.

Developmental studies are designed to evaluate adverse effects on the developing organism resulting from pesticide exposure during pre-natal development. Reproduction studies provide information relating to reproductive and other effects on adults and offspring from pre-natal and post-natal exposures to the pesticide. The studies with chlorsulfuron demonstrated no evidence of developmental toxicity at exposures below those causing maternal toxicity. This indicates that developing animals are not more sensitive to the effects of chlorsulfuron administration than adults.

FFDCA section 408 provides that EPA may apply an additional uncertainty factor for infants and children in the case of threshold effects to account for pre- and post-natal toxicity and the completeness of the database. Based on current toxicological data requirements, the data base for chlorsulfuron relative to pre-natal and post-natal effects for children is complete. In addition, the NOAEL of 5.0 mg/kg/day in the chronic rat study (and upon which the RfD is based) is much lower than the NOAELs defined in the reproduction and developmental toxicology studies. The sub-population with the highest level of exposure was children (1-6 years old), where exposure was approximately 7.7% of the RfD. Based on these conservative analyses, there is reasonable certainty that no harm will result to infants and children from aggregate exposures to chlorsulfuron.

F. International Tolerances

There are no Codex MRLs established for chlorsulfuron.

[FR Doc. 02–5446 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7154–9]

Notice of Availability and Request for Public Comment: Proposed National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Discharges From Construction Activities in Indian Country Within the State of Wisconsin

AGENCY: Environmental Protection Agency, Region 5 (EPA).

ACTION: Extension of public comment period.

SUMMARY: Today's notice announces an extension of the public comment period regarding EPA's proposed National Pollutant Discharge Elimination System (NPDES) general permit for storm water discharges from construction activities in Indian country within the State of Wisconsin. The general permit is proposed to cover discharges within Indian country, including the following areas: Bad River Indian Reservation, Forest County Potawatomi Indian Reservation, Ho-Chunk Nation Indian Reservation, Lac Courte Oreilles Indian Reservation, Lac Du Flambeau Indian Reservation, Menominee Indian Reservation, Oneida Indian Reservation, Red Cliff Indian Reservation, Sokaogon (Mole Lake) Indian Reservation, St. Croix Indian Reservation, and the Stockbridge-Munsee Indian Reservation.

EPA published the proposed general permit in the **Federal Register** on December 21, 2001 (66 FR 65957–65961). The purpose of this notice is to correct a procedural oversight during the original notice and comment period. A public meeting will be held followed by a public hearing. The date and location is listed below:

Date: April 4, 2002.

Location: Bay Beach Wildlife Sanctuary, 1660 East Shore Drive, Green Bay, WI.

Time: 2 p.m. to 4 p.m. (Public meeting). 6 p.m. to 8 p.m. (Public Hearing).

DATES: Comment period on the proposed permit must be received by April 12, 2002. EPA will accept comments submitted in writing or transmitted electronically.

ADDRESSES: Comments on the draft permit may be sent to: Brian Bell, NPDES Programs Branch (WN–16J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, IL 60604. Comments may also be transmitted electronically to *bell.brianc@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Brian Bell, at the above address or, via telephone at 312–886–0981.

Dated: February 22, 2002.

Thomas Poy,

Acting Director, Water Division, Region 5.

[FR Doc. 02–5602 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[IB Docket 95–59; DA 02–248]

The Preemption of Local Zoning Regulation of Satellite Earth Stations

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document , the International Bureau (''Bureau'') announces the list of the petitioners that did not respond to the October 2001 public notice, as set forth in the attached Appendix A. These parties may file a supplemental notice of their intent to pursue their respective petitions for reconsideration within 30 days after publication of this Public Notice in the **Federal Register**. The Commission intends to dismiss those petitions for reconsideration from parties that do not indicate intent to pursue their respective petitions for reconsideration. To ensure that each party who filed a petition for reconsideration to the 1996 Antenna Order has actual notice and an opportunity to respond.

DATES: Comments are due on or before April 8, 2002; Reply Comments are due on or before April 17, 2002.

ADDRESSES: Electronic comments may be filed using the Commission's Electronic Comment Filing System (ECFS). Comments filed though the ECFS can be sent as an electronic file via Internet to *http://www.fcc.gov/e-file/ecfs.html.* All other filings must be sent to Office of Secretary, Federal Communications Commission, 445 12th St., SW., Rm TW–A325, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Selina Khan of the International Bureau at 202–418–7282.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Public Notice* in IB Docket No. 95–59, DA 02–248 (released February 1, 2002). In October 2001, the Bureau released a notice public [1] asking parties to refresh the record regarding petitions for reconsideration of the 1996 Antenna Order (11 FCC Rcd 5809).[2] The Bureau noted that, since the release of the 1996 Antenna Order, many of the issues raised in the petitions for reconsideration may have become moot or irrelevant in light of intervening events, including Commission amendment of 1.4000,[3] that applies to antennas used to transmit as well as receive both video and nonvideo services.[4]

For these reasons, the Bureau requested that parties that had petitions for reconsideration for the 1996 Antenna Order file a supplemental notice indicating the issues in such petitions, if any, they still wished to have reconsidered. The Bureau stated that, to the extent that parties did not indicate an intent to pursue their respective petitions for reconsideration, the Commission would deem such petitions withdrawn and would dismiss such petitions.[5] The public notice was published in the **Federal Register**, 66 FR 53417, October 22, 2001. No party filed in response to this public notice.

Procedural Matters: Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, and 1.419, interested parties may file Supplemental Commissions, limited to the issues addressed in this Public Notice, no later than April 8, 2002. Supplemental Reply Comments must be filled no later than April 17, 2002. In view of the tendency of this proceeding, we except to adhere to the schedule set forth in this *Public Notice* and do not contemplate granting extension of time. Comments should reference IB Docket No. 95–59 and should include the FCC number shown on this *Public Notice.* Comments may be field using the Commission's Electronic Comment Filing System (ECFS), 63 FR 24121 (May 1, 1998). Comments filed through the ECFS can be sent as an electronic file via Internet to *http://www.fcc.gov/e-file/ecfs.html.* In completing the transmittal screen, parties responding should include their full name, mailing address, and the applicable docket number, IB Docket 95–59. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking appear in the caption of the proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filing must be sent to the Commission's Acting Secretary, William Caton. Office of the Secretary, Federal Communications Commission, 445 12th St., SW., Rm. TW–A325, Washington, DC 20554. One copy of all comments should also be sent to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. Copies of all filings are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Appendix A

Petitions for Reconsideration of the 1996 Anntenna Order

AlphaStar Television Network, Inc.
County of Boulder, State of Colorado
DIRECTV, Inc.
Florida League of Cities
Hughes Network Systems, Inc.
Local Communities (the ''Cities of Dallas'') [6]
Local Communities (''National League of Cities'') [7]
Satellite Broadcasting And Communications Association of America (''SBCA'')
United States Satellite Broadcasting Company, Inc. (''USSB'')

[FR Doc. 02–5257 Filed 3–7–02; 8:45 am]

BILLING CODE 6712–01–P

[1] See Parties Asked to Refresh Record Regarding Reconsideration of Rules Adopted in Preemption of Local Zoning Regulation of Satellite Earth Stations, Public Notice, IB Docket No. 95–59, DA 01–2323, 66 FR 53417 (October 22, 2001) (rel. October 5, 2001) (''Preemption Public Notice'')

[2] See In the Matter of Local Zoning Regulation of Satellite Earth Stations, Report and Order and Further Notice of Proposed Rulemaking, IB Docket No. 95–59, 61 FR 10710 (March 15, 1996) 11 FCC Rcd 5809, (1996) (''1996 Antenna Order''), consolidated in part with Preemption of Local Zoning Regulation of Satellite Earth Stations and Implementation of Section 207 of the Telecommunication Act of 1996, Restrictions on Over the Air Reception Devices, Report and Order, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, IB Docket 95–59 and CS Docket No. 96–83, 11 FCC Rcd 19276 (1996).

[3] 47 CFR 1.4000.

[4] Promotion of Competitive Networks in Local Telecommunications Markets, Report and Order, 15 FCC Rcd 22983 (2000).

[5] See Preemption Public Notice at 2.

[6] The Local Communities is composed of local governments nationally and local governments in Cities of Dallas, Texas; Arlington, Texas; Austin, Texas; Fort Worth Texas; Knoxville, Tennessee; the National Association of Counties and the United States Conference of Mayors (hereinafter ''The City of Dallas'').

[7] The National League of Cities is composed of the following: the National Association of Telecommunications Officers and Advisors; the National Trust for Historic Preservation; League of Arizona Cities and Towns; League of California Cities; Colorado Municipal League; Connecticut Conference of Municipalities; Delaware League of Local Governments; Florida League of Cities; Georgia Municipal Association; Association of Idaho Cities; Illinois Municipal League; Indiana Association of Cities and Towns; Iowa League of Cities; League of Kansas Municipalities; Kentucky League of Cities; Maine Municipal Association; Michigan Municipal Association; Michigan Municipal League; League of Minnesota Cities; Mississippi Municipal Association; League of Nebraska Municipalities; New Hampshire Municipal Association; New Jersey State League of Municipalities; New Mexico Municipal League; New York State Conference of Mayors and Municipal Officials; North Carolina League of Municipalities; North Dakota League of Cities; Ohio Municipal League; Oklahoma Municipal League; League of Oregon Cities; Pennsylvania League of Cities and Municipalities; Municipal Association of South Carolina; Texas Municipal League; Vermont League of Cities and Towns; Virginia Municipal; League; Association of Washington Cities; and Wyoming Association of Municipalities (hereinafter the ''National League of Cities'').

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1400–DR]

Arkansas; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Arkansas (FEMA–1400–DR), dated January 24, 2002, and related determinations.

EFFECTIVE DATE: February 13, 2002.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Readiness, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705 or *madge.dale@fema.gov*.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, effective this date and pursuant to the authority vested in the

Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Michael Bolch of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

This action terminates my appointment of Joe Bray as Federal Coordinating Officer for this disaster.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Joe M. Allbaugh,

Director.

[FR Doc. 02–5560 Filed 3–7–02; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL HOUSING FINANCE BOARD

Sunshine Act Meeting; Announcing an Open Meeting of the Board

TIME AND DATE: 1 p.m., Wednesday, March 13, 2002.

PLACE: Board Room, Second Floor, Federal Housing Finance Board, 1777 F Street, NW, Washington, DC 20006.

STATUS: The entire meeting will be open to the public.

Matter To Be Considered During Portions Open to the Public

- Federal Home Loan Bank of Seattle Capital Plan

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Secretary to the Board, (202) 408–2837.

James L. Bothwell,

Managing Director.

[FR Doc. 02–5735 Filed 3–6–02; 12:04 pm]

BILLING CODE 6725–01–P

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 March 29, 2002.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045–0001:

1. EuroBancshares, Inc., Hato Rey, Puerto Rico; to become a bank holding company by acquiring100 percent of the voting shares of Eurobank, Hato Rey, Puerto Rico.

B. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Gifford Bancorp, Inc. Employee Stock Ownership Plan, Gifford, Illinois; to acquire additional voting shares, for a total of 100 percent of the voting shares of Gifford Bancorp, Inc., Gifford, Illinois, and thereby indirectly acquire voting shares of Gifford State Bank, Gifford, Illinois.

Board of Governors of the Federal Reserve System, March 4, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–5561 Filed 3–7–02; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act Meeting

TIME AND DATE: 10 a.m. (EST) March 18, 2002.

PLACE: 4th Floor, Conference Room 4506, 1250 H Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: 1. Approval of the minutes of the February 19, 2002, Board member meeting.

2. Thrift Savings Plan activity report by the Executive Director.

CONTACT PERSON FOR MORE INFORMATION: Thomas J. Trabucco, Director, Office of External Affairs. (202) 942–1640.

Dated: March 5, 2001.

Elizabeth S. Woodruff,

Secretary to the Board, Federal Retirement Thrift Investment Board.

[FR Doc. 02–5748 Filed 3–6–02; 2:15 pm]

BILLING CODE 6760–01–M

GENERAL SERVICES ADMINISTRATION

Interagency Committee for Medical Records (ICMR) Automation of Medical Standard Form 503

AGENCY: General Services Administration.

ACTION: Guideline on automating medical standard forms.

Background

The Interagency Committee on Medical Records (ICMR) is aware of numerous activities using computer-generated medical forms, many of which are not mirror-like images of the genuine paper Standard/Optional Form. With GSA's approval the ICMR eliminated the requirement that every electronic version of a medical Standard/Optional form be reviewed and granted an exception. The committee proposes to set required fields standards and that activities developing computer-generated versions adhere to the required fields but not necessarily to the image. The ICMR plans to review medical Standard/Optional forms which are commonly used and/or commonly computer-generated. We will identify those fields which are required, those (if any) which are optional, and the required format (if necessary). Activities may not add or delete data elements that would change the meaning of the form. This would require written approval from the ICMR. Using the process by which overprints

are approved for paper Standard/Optional forms, activities may add other data entry elements to those required by the committee. With this decision, activities at the local or headquarters level should be able to develop electronic versions which meet the committee's requirements. This guideline controls the ''image'' or required fields but not the actual data entered into the field.

SUMMARY: With GSA's approval, the Interagency Committee of Medical Records (ICMR) eliminated the requirement that every electronic version of a medical Standard/Optional form be reviewed and granted an exception. The following fields must appear on the electronic version of the following form:

ELECTRONIC ELEMENTS FOR SF 503

Item	Placement
Autopsy Protocol (Title)	Top of form.
Standard Form 503 (Rev. 7/2000) (Form ID)	Bottom right corner of form.
Data Entry Fields:	
Date Died	
Hour Died	
Date Autopsy Performed	
Hour Autopsy Performed	
Prosector (Name)	
Assistant (Name)	
Full Autopsy (Checkbox)	
Head Only (Checkbox)	
Truck Only (Checkbox)	
Clinical Diagnosis (Including operations)	
Pathological Diagnosis	
Approved—Signature	
Military Organization (When required)	
Age	
Autopsy Number	
Relationship to Sponsor	
Sponsor's Name—Last	
Sponsor's Name—First	
Sponsor's Name—MI	
Sponsor's ID Number (SSN or other)	
Dept./Service	
Hospital or Medical Facility	
Records Maintained At	
Register No.	
Ward No.	
Patient Information (Text)	Above below listed items.
Last Name	
First Name	
Middle Name	
Id No. or SSN	
Sex	
Date of Birth	
Rank/Grade	

If no specific placement, data element may be in any order.

FOR FURTHER INFORMATION CONTACT: CDR Katherine Ciacco Palatianos, Indian Health Service, Department of Health and Human Services, 5600 Fishers lane, Room 6A–55, Rockville, MD 20857 or e-mail at *kciacco@hge.ihs.gov.*

DATES: Effective March 8, 2002.

Dated: February 12, 2002.

Katherine Ciacco Palatianos,

Chairperson, Interagency Committee on Medical Records.

[FR Doc. 02–5546 Filed 3–7–02; 8:45 am]

BILLING CODE 6820–34–M

GENERAL SERVICES ADMINISTRATION

Interagency Committee for Medical Records (ICMR); Automation of Medical Standard Form 512

AGENCY: Office of Communications, GSA.

ACTION: Guideline on automating medical standard forms.

SUMMARY: With GSA's approval, the Interagency Committee of Medical Records (ICMR) eliminated the requirement that every electronic version of a medical Standard/Optional form be reviewed and granted an exception. The committee proposes to set required fields standards and that activities developing computer-generated versions adhere to the required fields but not necessarily to the image. The ICMR plans to review medical Standard/Optional forms which are commonly used and/or commonly computer-generated. We will identify those fields which are required, those (if any) which are optional, and the required format (if necessary). Activities may not add or delete data elements that would change the meaning of the form. This would require written approval from the ICMR. Using the process by which overprints are approved for paper Standard/Optional forms, activities may add other

Background

The Interagency Committee on Medical Records (ICMR) is aware of numerous activities using computer-generated medical forms, many of which are not mirror-like images of the genuine paper Standard/Optional Form. With GSA's approval the ICMR eliminated the requirement that every

data entry elements to those required by the committee. With this decision, activities at the local or headquarters level should be able to develop electronic versions which meet the committee's requirements. This guideline controls the ''image'' or required fields but not the actual data entered into the field.

SUMMARY: With GSA's approval, the Interagency Committee of Medical Records (ICMR) eliminated the requirement that every electronic version of a medical Standard/Optional form be reviewed and granted an exception. The following fields must appear on the electronic version of the following form:

ELECTRONIC ELEMENTS FOR SF 512

Item	Placement [1]
(Plotting Chart (Title)	Top of form.
(Standard Form 512 (Rev. 3/1994) (Form ID)	Bottom right corner of form.
Data Entry Fields	
Title of Purpose of Graph	
Data (Allow for at least 14 entries)	
Time (Allow for at least 14 entries)	
Graphic (Allow for at least 14 plots)	
Patient Information (Text)	Above below listed items.
Last Name	
First Name	
Middle Name	
Rank	
Rate	
Hospital or Medical Facility	
Register No.	
Ward No.	

[1] If no specific placement, data element may be in any order.

FOR FURTHER INFORMATION CONTACT: CDR Katherine Ciacco Palatianos, Indian Health Service, Department of Health and Human Services, 5600 Fishers Lane, Room 6A–55, Rockville, MD 20857 or e-mail at *kciacco@hge.ihs.gov*.

DATES: Effective March 8, 2002.

Dated: February 12, 2002.

Katherine Ciacco Palatianos,

Chairperson, Interagency Committee on Medical Records.

[FR Doc. 02–5545 Filed 3–7–02; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Information Collection Activities: Submission for OMB Review; Comment Request

The Department of Health and Human Services, Office of the Secretary publishes a list of information collections it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) and 5 CFR 1320.5. The following are those information collections recently submitted to OMB.

1. Wave 3 Survey of Youth for the Federal Evaluation of Initiatives Funded Under Section 510 of the Maternal and Child Health Block Grant Programs—The Personal Responsibility and Work Opportunity Reconciliation Act established Section 510 of the Maternal and Child Health Block Grant Program, the purpose of which is to support state efforts supporting abstinence only education. This data collection is needed to fulfill the requirements for a Congressionally mandated evaluation of the program. *Respondents:* Individuals; *Number of Respondents:* 2,872; *Average Burden per Response:* 5 hours; *Total Burden:* 1,436 hours. *OMB Desk Officer:* Allison Herron Eydt.

Copies of the information collection packages listed above can be obtained by calling the OS Reports Clearance Officer on (202) 690–6207. Written comments and recommendations for the proposed information collection should be sent directly to the OMB desk officer designated above at the following address:

Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503.

Comments may also be sent to Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Humphrey Building, 200 Independence Avenue SW., Washington DC 20201. Written comments should be received within 30 days of this notice.

Dated: February 26, 2002.

Kerry Weems,

Acting, Deputy Assistant Secretary, Budget.

[FR Doc. 02–5510 Filed 3–7–02; 8:45 am]

BILLING CODE 4154–05–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Advisory Committee on Minority Health

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science, Office of Minority Health.

ACTION: Notice of meeting.

SUMMARY: The Advisory Committee on Minority Health will meet to discuss racial and ethnic disparities in health, as well as other related issues. The meeting is open to the public. There will be an opportunity for public comment which will be limited to five minutes per speaker. Individuals who would like to submit written statements should mail or fax their comments to the Office of Minority Health at least two business days prior to the meeting.

DATES: The Advisory Committee on Minority Health will meet on Thursday, March 21, 2002 from 9 a.m. to 5 p.m., and Friday, March 22, 2000 from 8:30 a.m. to 12 noon.

ADDRESSES: The meeting will be held at the Hamilton Crowne Plaza, Oasis Room, 1001 14th Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Sheila P. Merriweather, Office of Minority Health, Rockwall Building, 5515 Security Lane, Suite 1000, Rockville, MD 20852. Phone: 301–443–9923, Fax: 301–443–8280.

Dated: March 4, 2002.

Nathan Stinson, Jr.,

Deputy Assistant Secretary for Minority Health.

[FR Doc. 02–5511 Filed 3–7–02; 8:45 am]

BILLING CODE 4150–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Prospective Grant of Exclusive License: Vaccines and Diagnostic Tests for Cat Scratch Fever

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This is a notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the Centers for Disease Control and Prevention (CDC), Technology Transfer Office, Department of Health and Human Services (DHHS), is contemplating the grant of a worldwide, limited field of use, exclusive license to practice the inventions embodied in the patent and patent applications referred to below to Intervet Inc. (Intervet) having a place of business in Millsboro, Delaware. The patent rights in these inventions have been assigned to the government of the United States of America. The patent and patent applications to be licensed are:

Title: Methods and compositions for diagnosing cat scratch disease and bacillary angiomatosis caused by Rochalimaea henselae.

U.S. Patent Application Serial No. 07/822,539.

Filing Date: 01/17/92.

Domestic Status: Patent No.: 5,399,485.

Issue Date: 03/21/95.

Title: Methods and compositions for diagnosing Rochalimaea henselae and Rochalimaea quintana infection.

U.S. Patent Application Serial No. 08/245,294.

Filing Date: 05/18/94.

Domestic Status: Patent No.: 5,644,047.

Issue Date: 07/01/97.

Title: Nucleic acids specific for Rochalimaea quintana.

U.S. Patent Application Serial No. 08/474,499.

Filing Date: 06/07/95.

Domestic Status: Patent No.: 5,693,776.

Issue Date: 12/02/97.

Title: Nucleic acids of Rochalimaea henselae and methods and compositions for diagnosing Rochalimaea henselae and Rochalimaea quintana infection.

U.S. Patent Application Serial No. 08/307,279.

Filing Date: 09/16/94.

Domestic Status: Patent No.: 5,736,347.

Issue Date: 04/07/98.

Title: Composition to protect a mammal against Bartonella henselae infection.

U.S. Patent Application Serial No. 08/922,970.

Filing Date: 09/03/97.

Domestic Status: Patent No.: 5,958,414.

Issue Date: 09/28/99.

Title: Methods and Compositions for Diagnosing Rochalimaea Henselae and Rochalimaea Quintana Infection.

U.S. Patent Application Serial No. 08/472,904.

Filing Date: 06/07/95.

Title: Nucleic acids of Rochalimaea henselae and compositions for diagnosing Rochalimaea henselae and Rochalimaea quintana infection.

U.S. Patent Application Serial No. 08/480,849.

Filing Date: 06/07/95.

Title: Methods and Compositions for Diagnosing Rochalimaea Henselae and Rochalimaea Quintana Infection.

U.S. Patent Application Serial No. 08/472,934.

Filing Date: 06/07/95.

Title: Nucleic Acids of Rochalimaea Hensselae and Compositions for Diagnosing Rochalimaea Henselae and Rochalimaea Quintana Infection.

U.S. Patent Application Serial No. 09/525,310.

Filing Date: 03/14/00.

Title: Nucleic acids of Rochalimaea henselae and compositions for diagnosing Rochalimaea henselae and Rochalimaea quintana infection.

U.S. Patent Application Serial No. 09/752,385.

Filing Date: 12/29/00.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7.

Cat scratch fever or bacillary angiomatosis is a bacterial disease transmitted via a cat scratch or bite. A previously unidentified, pathogenic species of Bartonella (formerly Rochalimaea), B. henselae, has been identified as the primary causitive agent. A related species, B. quintana, may also produce illness in immunocompromised individuals. This invention identifies immunogenic peptides useful for indentification of B. henselae and diagnosis of bacillary angiomatosis and a method of vaccinating against bacillary angiomatosis.

ADDRESSES: Requests for a copy of these patent applications, inquiries, comments, and other materials relating to the contemplated license should be directed to Andrew Watkins, Director, Technology Transfer Office, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, Mailstop K–79, Atlanta, GA 30341, telephone: (770) 488–8610; facsimile: (770) 488–8615. Applications for a license filed in response to this notice will be treated as objections to the grant of the contemplated license. Only written comments and/or applications for a license which are received by CDC within sixty days of this notice will be considered. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552. A signed Confidential Disclosure Agreement will be required to receive a copy of any pending patent application.

Dated: March 4, 2002.

Joseph R. Carter,

Associate Director for Management and Operations, Centers for Disease Control and Prevention.

[FR Doc. 02–5567 Filed 3–7–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Prospective Grant of Exclusive License: Growing Ehrlichia Species in a Continuous Cell Line

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This is a notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the Centers for Disease Control and Prevention (CDC), Technology Transfer Office, Department of Health and Human Services (HHS), is contemplating the grant of a worldwide, limited field of use, exclusive license to practice the inventions embodied in the patent and patent applications referred to below to Intervet Inc. (Intervet) having a place of business in Millsboro, Delaware. The patent rights in these inventions have been assigned to the government of the United States of America. The patent and patent applications to be licensed are:

Title: Growing Ehrlichia Species in a Continuous Cell Line U.S. Patent Application Serial No. 07/518,182.

Filing Date: 05/03/90.

Domestic Status: Patent No.: 5,192,679.

Issue Date: 03/09/93.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7.

Ehrlichiosis is a non-communicable, rarely fatal, rickettsial disease found in the United States. It is clinically similar to Rocky Mountain Spotted Fever but lacks the distinctive rash and is related to Sennetsu Fever, found only in Japan. In the United States ehrlichiosis is caused primarily by E. Chaffeensis. The development of diagnostics and vaccines for these diseases has been hampered by a lack of continuous cell lines to produce large quantities of Ehrlichia antigens. In this invention, a method of growing pathogenic Ehrlichia species in the continuous monocyte-macrophage cell line DH82 has been developed.

ADDRESSES: Requests for a copy of these patent applications, inquiries, comments, and other materials relating to the contemplated license should be directed to Andrew Watkins, Director, Technology Transfer Office, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, Mailstop K–79, Atlanta, GA 30341, telephone: (770) 488–8610; facsimile: (770) 488–8615. Applications for a license filed in response to this notice will be treated as objections to the grant of the contemplated license. Only written comments and/or applications for a license which are received by CDC within sixty days of this notice will be considered. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552. A signed Confidential Disclosure Agreement will be required to receive a copy of any pending patent application.

Dated: March 4, 2002.

Joseph R. Carter,

Associate Director for Management and Operations, Centers for Disease Control and Prevention.

[FR Doc. 02–5568 Filed 3–7–02; 8:45 am]

BILLING CODE 4163–18–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, 02–36, Review of R01s and Applicant Interview.

Date: April 11–12, 2002.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal City Courtyard by Marriott, 2899 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Anna Sandberg, MPH, DRPH, Scientific Review Administrator, National Institute of Dental & Craniofacial Res., 45 Center Drive, Natcher Building, Rm. 4AN44F, Bethesda, MD 20892, (301) 594–3089.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, 02–61, Review of R44 Grants.

Date: April 12, 2002.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Philip Washko, PHD, DMD, Scientific Review Administrator, 45 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, 02–40, Review of R01s and Applicant Interview.

Date: April 17–19, 2002.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Pooks Hill, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Anna Sandberg, MPH, DRPH, Scientific Review Administrator, National Institute of Dental & Craniofacial Res., 45 Center Drive, Natcher Building, Rm. 4AN44F, Bethesda, MD 20892, (301) 594–3089.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, 02–41, Review of R13 Grants.

Date: April 17, 2002.

Time: 3 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Natcher Bldg., Conf. Rms. A & D, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: H. George Hausch, PHD, Acting Director, 4500 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: March 4, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–5649 Filed 3–7–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meetings.

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environment Health Sciences Special Emphasis Panel, Review of Conference Grants (R13s).

Date: April 2, 2002.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: NIEHS—East Campus, 79 TW Alexander Drive, Building 4401, Room 3446, Research Triangle Park, NC 27709, (Telephone Conference Call).

Contact Person: RoseAnne M McGee, BS, Associated Scientific Review Administrator, Scientific Review Branch, Office of Program Operations, Division of Extramural Research

and Training, Nat, Inst. of Environment Health Sciences, Research Triangle Park, NC 27709, 919/541–0752.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel, Review of Program Project Applications.

Date: April 11–13, 2002.

Time: 7 p.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel, 322 North Spokane Falls Court, Spokane, WA 99201.

Contact Person: Linda K Bass, PhD, Scientific Review Administrator, Scientific Review Branch, Office of Program Operations, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30, Research Triangle Park, NC 27709, (919) 541–1307.

(Catalogue of Federal Domestic Assistance Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposure; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: March 4, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–5650 Filed 3–7–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of meetings of the National Advisory Allergy and Infectious Diseases Council.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such a sign language interpretation or other reasonable accommodations, should notify the Contact Person Listed below in advance of the meeting.

The meetings will closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552(b)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such a patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Allergy and Infectious Diseases Council, Acquired Immunodeficiency Syndrome Subcommittee.

Date: May 30, 2002.

Closed: 8:30 AM to 10:30 AM.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, 45 Center Drive, Conference Room C1/C2, Bethesda, MD 20892.

Open: 12:00 PM to adjournment.

Agenda: Open program advisory discussions and presentations.

Place: Natcher Building, 45 Center Drive, Conference Rooms E1/E2, Bethesda, MD 20892.

Contact Person: John J McGowan, Director, Division of Extramural Activities, NIAID, Room 2142, 6700–B Rockledge Drive, MSC 7610, Rockville, MD 20892–7610, 301–496–7291.

Name of Committee: National Advisory Allergy and Infectious Diseases Council, Microbiology and Infectious Diseases Subcommittee.

Date: May 30, 2002.

Closed: 8:30 AM to 10:30 AM.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, 45 Center Drive, Conference Room F1/F2, Bethesda, MD 20892.

Open: 12:00 PM to adjournment.

Agenda: Open program advisory discussions and presentations.

Place: Natcher Building, 45 Center Drive, Conference Room F1/F2, Bethesda, MD 20892.

Contact Person: John J McGowan, Director, Division of Extramural Activities, NIAID, Room 2142, 6700–B Rockledge Drive, MSC 7610, Rockville, MD 20892–7610, 301–496–7291.

Name of Committee: National Advisory Allergy and Infectious Diseases Council, Allergy, Immunology and Transplantation Subcommittee.

Date: May 30, 2002.

Closed: 8:30 AM to 10:30 AM.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, 45 Center Drive, Conference Room F1/F2, Bethesda, MD 20892.

Open: 12:00 PM to adjournment.

Agenda: Open program advisory discussions and presentations.

Place: Natcher Building, 45 Center Drive, Conference Room F1/F2, Bethesda, MD 20892.

Contact Person: John J McGowan, Director, Division of Extramural Activities, NIAID, Room 2142, 6700–B Rockledge Drive, MSC 7610, Rockville, MD 20892–7610, 301–496–7291.

Name of Committee: National Advisory Allergy and Infectious Diseases Diseases Council.

May 30, 2002.

Open: 10:30 AM to 11:40 AM.

Agenda: The meeting of the full Council will be open to the public for general discussion.

Place: Natcher Building, 45 Center Drive, Conference Room E1/E2, Bethesda, MD 20892.

Closed: 11:40 AM to 12:00 PM.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, 45 Center Drive, Conference Room E1/E2, Bethesda, MD 20892.

Contact Person: John J McGowan, Director, Division of Extramural Activities, NIAID, Room 2142, 6700–B Rockledge Drive, MSC 7610, Rockville, MD 20892–7610, 301–496–7291.

In the interest of security, NIH has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D. and sign-in at the security desk upon entering the building.

Information is also available on the Institute's/Center's home page: *www.niaid.nih.gov/facts/facts.htm,* where an agenda and any additional information for the meeting will be posted when available. (Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 4, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–5651 Filed 3–7–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Toxicology Program (NTP); National Institute of Environmental Health Science (NIEHS)

The NTP Center for the Evaluation of Risks to Human Reproduction (CERHR) Announces the Availability of and Requests Public Comments on Two Expert Panel Reports: Expert Panel Report on the Developmental and Reproductive Toxicity of 1-Bromopropane and Expert Panel Report on the Developmental and Reproductive Toxicity of 2-Bromopropane.

Summary

Notice is hereby given of the availability of the Expert Panel Report on the Developmental and Reproductive Toxicity of 1-Bromopropane and the Expert Panel Report on the

Developmental and Reproductive Toxicity of 2-Bromopropane. These reports include the summaries and conclusions of the expert panel's evaluation of the scientific data for potential reproductive and/or developmental hazards associated with exposure to 1-bromopropane and 2-bromopropane. The CERHR held this expert panel meeting in December 2001. CERHR is seeking public comment on these reports and additional information about recent, relevant toxicology studies or human exposure.

Availability of Reports

Copies of the two expert panel reports are available electronically on the CERHR Web site (*http://cerhr.niehs.nih.gov*). To receive a printed copy of either report, please contact the CERHR at P.O. Box 12233, MD EC–32, Research Triangle Park, NC 27709 (mail), (919) 541–3455 (phone), (919) 316–4511 (fax), or *shelby@niehs.nih.gov* (email).

Request for Public Comments

The CERHR invites public comments on the expert panel reports and input regarding any recent, relevant toxicology data or human exposure information for either chemical. The CERHR asks that all comments and other information be submitted to the CERHR at the address above by [*Please insert date 60 days from publication of this notice*].

All public comments on these reports received by this date will be reviewed and included in the final NTP–CERHR reports prepared by NTP staff. The NTP–CERHR report for each chemical will include the expert panel report, public comments received on the report, and the NTP brief. The NTP brief will provide the NTP's interpretation of the potential for adverse reproductive and/or developmental effects to humans from exposure to the chemical. The NTP will transmit the NTP–CERHR reports to the appropriate federal and state agencies, the public, and the scientific community.

Background

A 10-member expert panel composed of scientists from state and federal governments, universities, and industry conducted an evaluation of the reproductive and developmental toxicities of 1-bromopropane and 2-bromopropane [**Federal Register** (Vol. 66, No. 156, pp. 42548–42549, August 13, 2001)]. Public deliberations by the panel took place December 5–7, 2001 at the Hilton Washington-Dulles Hotel in Herndon, Virginia. Following the December meeting, the draft expert panel reports were revised to incorporate the panel's conclusions, and subsequently reviewed by the Bromopropanes Expert Panel, NTP scientists, and CERHR personnel.

1-Bromopropane is used as a solvent for fats, waxes, or resins and as an intermediate in the synthesis of pharmaceuticals, insecticides, quaternary ammonium compounds, flavors, or fragrances. It is also used as a vehicle in spray adhesives and as a cold bath degreaser. 2-Bromopropane is used as an intermediate in the synthesis of pharmaceuticals, dyes, and other compounds; the extent of these uses and associated human exposures is unknown. 2-Bromopropane is also present as a contaminant in 1-bromopropane. Bromopropane are being considered as replacement chemicals for ozone-depleting chemicals such as hydrochlorofluorocarbons and chlorinated solvents.

Additional Information About CERHR

The NTP and the NIEHS established the NTP CERHR in June 1998 [**Federal Register** (Vol. 63, No. 239, p. 68782, December 1998)].

The purpose of the CERHR is to provide scientifically-based, uniform assessments of the potential for adverse effects on reproduction and development caused by agents to which humans may be exposed. Further information on the CERHR's chemical review process including how to nominate chemicals for evaluation and scientists for the expert registry can be obtained from its Web site (*http://cerhr.niehs.nih.gov*) or by contacting the CERHR directly (see contact information above).

The CERHR also serves as a resource for information on various environmental exposures and their potential to affect pregnancy and child development. Its Web site (*http://cerhr.niehs.nih.gov*) has information about common concerns related to fertility, pregnancy and the health of unborn children, and links to other resources for information about public health.

Dated: February 8, 2002.

Samuel H. Wilson,

Deputy Director, National Institute of Environmental Health Sciences.

[FR Doc. 02–5652 Filed 3–7–02; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4734–N–07]

Notice of Submission of Proposed Information Collection to OMB; Housing Counseling Program

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* April 8, 2002.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2502–0261) be sent to: Jospeh F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail *Wayne_Eddins@HUD.gov;* telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone

number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Housing Counseling Program.

OMB Approval Number: 2502–0261.

Form Numbers: HUD–9900, HUD–9902, HUD–9908.

Description of the Need for the Information and its Proposed Use: HUD is authorized to contract with organizations, which provide counseling to tenants and homeowners. The Housing Counseling Program provides assistance to improve housing conditions and in meeting the responsibilities of tenancy and homeownership.

Respondents: Individuals or households, Not-For-Profit Institutions, State, Local or Tribal Government.

Frequency of Submission: On Occasion-Annually.

REPORTING BURDEN

Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
7,275		1		0.4		3,100

Total Estimated Burden Hours: 3,100.

Status: Revision of a currently approved collection.

Authority: Sec. 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: March 1, 2002.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 02–5522 Filed 3–7–02; 8:45 am]

BILLING CODE 4210–72–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4734–N–08]

Notice of Submission of Proposed Information Collection to OMB; Record of Employee Interviews

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* April 8, 2002.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2501–0009) be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail *Wayne_Eddins@HUD.gov;* telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Record of Employee Interviews.

OMB Approval Number: 2501–0009.

Form Numbers: HUD–11.

Description of the Need for the Information and its Proposed Use:

To assure compliance with the Davis-Bacon and related Acts, 29 CFR 5.6, and Reorganization Plan #14, HUD designed and placed in use the HUD–11, record of Employee Interview. This form is used by HUD to assist in recording interviews with construction workers for the purposes of establishing the degree of accuracy of contractor payroll records and the nature and extent of violations, if any.

Respondents: Individuals or households, Federal Government, State, Local or Tribal Government.

Frequency of Submission: On Occasion.

REPORTING BURDEN

Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
20,000		1		0.5		10,000

Total Estimated Burden Hours: 10,000.

Status: Reinstatement, without change, of previously approved.

Authority: Sec. 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: March 1, 2002.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 02–5523 Filed 3–7–02; 8:45 am]

BILLING CODE 4210–72–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4730–N–10]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, room 7266, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CRF part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: Army: Ms. Julie Jones-Conte, Headquarters, Department of the Army, Office of the Assistant Chief of Staff for Installation Management, Attn: DAIM–MD, Room 1E677, 600 Army Pentagon, Washington, DC 20310–0600; (703) 692–9223; DOT: Mr. Rugene Spruill, Space Management, SVC–140, Transportation Administrative Service Center, Department of Transportation 400 7th Street, SW Room 2310, Washington, DC 20590; (202) 366–4246; Energy: Mr. Tom Knox, Department of Energy, Office of Engineering & Construction Management, CR–80, Washington, DC 20585; (202) 586–8715; Navy: Mr. Charles C. Cocks, Director, Department of the Navy, Real Estate Policy Division, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE, Suite 1000, Washington, DC 20374–5065; (202) 685–9200; VA: Ms. Amelia McLellan, Director, Real Property Service, (183C), Department of Veterans Affairs, 810 Vermont Avenue, NW. Room 419, Washington, DC 20420; (202) 565–5941; (These are not toll-free numbers).

Dated: February 28, 2002.

Mark R. Johnston,

Deputy Director, Office of Special Needs Assistance Programs.

Title V, Federal Surplus Property Program Federal Register Report for 3/8/02

Suitable/Available Properties

Buildings (by State)

Arizona

Bldg. 44414
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 21200210030
Status: Excess
Comment: 2 bdrm fourplex, 1,181 sq. ft. each, presence of asbestos/lead paint, most recent use—housing, off-site use only

Hawaii

Storage Shed
Pearl Harbor
505 Borie St.
Honolulu Co: HI 96818–
Landholding Agency: Navy
Property Number: 77200210076
Status: Excess
Comment: 130 sq. ft., possible asbestos/lead paint, off-site use only

Office/Conf. Bldg.
Pearl Harbor

505 Borie St.
Honolulu Co: HI 96818–
Landholding Agency: Navy
Property Number: 77200210077
Status: Excess
Comment: 2249 sq. ft., possible asbestos/lead paint, off-site use only

Living Quarters
Pearl Harbor
505 Borie St.
Honolulu Co: HI 96818–
Landholding Agency: Navy
Property Number: 77200210078
Status: Excess
Comment: 2960 sq. ft., possible asbestos/lead paint, off-site use only

Storage Bldg.
Pearl Harbor
505 Borie St.
Honolulu Co: HI 96818–
Landholding Agency: Navy
Property Number: 77200210079
Status: Excess
Comment: 306 sq. ft., public toilet with storage, possible asbestos/lead paint, off-site use only

Indiana

Bldg. 105, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230006
Status: Excess
Comment: 310 sq. ft., 1 story stone structure, no sanitary or heating facilities, Natl Register of Historic Places

Bldg. 140, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230007
Status: Excess
Comment: 60 sq. ft., concrete block bldg., most recent use—trash house

Bldg. 7
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810001
Status: Underutilized
Comment: 16,864 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 10
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810002
Status: Underutilized
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 11
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810003
Status: Underutilized
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 18
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810004
Status: Underutilized
Comment: 13,802 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 25
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810005
Status: Unutilized
Comment: 32,892 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Massachusetts

Bldg. 76
Army Soldier Systems Center
Natick Co: Middlesex MA 01760–
Landholding Agency: Army
Property Number: 21200210037
Status: Unutilized
Comment: 1000 sq. ft., most recent use—storage, off-site use only

New York

Bldgs. T–401, T–403
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210042
Status: Unutilized
Comment: 2305/2284 sq. ft., needs repair, most recent use—battalion hq bldg., off-site use only

Bldgs. T–404, T–406, T–407
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210043
Status: Unutilized
Comment: 2000/1144 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

Bldg. T–430
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210044
Status: Unutilized
Comment: 2731 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

4 Bldgs.
Fort Drum
T–431, T–432, T–433, T–434
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210045
Status: Unutilized
Comment: 1144 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

Bldg. T–435
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210046
Status: Unutilized
Comment: 2731 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

Bldgs. T–437, T–438
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210047
Status: Unutilized
Comment: 1144 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

Bldgs. T–439, T–460
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210048
Status: Unutilized
Comment: 2588/2734 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

4 Bldgs.
Fort Drum
T–461, T–462, T–463, T–464
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210049
Status: Unutilized
Comment: 1144 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

Bldg. T–465
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210050
Status: Unutilized
Comment: 2734 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

Bldg. T–405, T–408
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210051
Status: Unutilized
Comment: 1296 sq. ft., needs repair, most recent use—storage, off-site use only

6 Bldgs.
Fort Drum
T–410, T–411, T–412, T–416, T–417, T–418
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210052
Status: Unutilized
Comment: 4720 sq. ft., needs repair, most recent use—enlisted barracks AN TR, off-site use only

Bldg. T–421, T–422
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210053
Status: Unutilized
Comment: 2510 sq. ft., needs repair, most recent use—enlisted barracks AN TR, off-site use only

Bldgs. T–423, T424
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210054
Status: Unutilized
Comment: 4720 sq. ft., needs repair, most recent use—enlisted barracks AN TR, off-site use only

7 Bldgs.
Fort Drum
T–441, T–442, T–443, T–444, T–446–T–448
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army

Property Number: 21200210055
Status: Unutilized
Comment: 4720 sq. ft., needs repair, most recent use—enlisted barracks AN TR, off-site use only

6 Bldgs.
Fort Drum
T–451, T–452, T–453, T–454, T–456, T–458
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210056
Status: Unutilized
Comment: 4720 sq. ft., needs repair, most recent use—enlisted barracks AN TR, off-site use only

5 Bldgs.
Fort Drum
T–471, T–472, T–473, T–474, T–477
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210057
Status: Unutilized
Comment: 4720 sq. ft., needs repair, most recent use—enlisted barracks AN TR, off-site use only

Bldgs. T–420, T–445, T–470
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210058
Status: Unutilized
Comment: 2510 sq. ft., needs repair, most recent use—dining facility, off-site use only

Bldgs. T–440, T–450
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210059
Status: Unutilized
Comment: 2360 sq. ft., needs repair, most recent use—dining facility, off-site use only

Bldg. T–478
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210060
Status: Unutilized
Comment: 4720 sq. ft., needs repair, most recent use—classroom, off-site use only

Ohio

Quarters 107
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Number: 21200210038
Status: Unutilized
Comment: 1490 sq. ft., needs major repairs, presence of lead paint, most recent use—residence, off-site use only

Pennsylvania

Bldg. 3, VAMC
1700 South Lincoln Avenue
Lebanon Co: Lebanon PA 17042–
Landholding Agency: VA
Property Number: 97199230012
Status: Underutilized
Comment: portion of bldg. (4046 sq. ft.), most recent use—storage, second floor—lacks elevator access

Wisconsin

Bldg. 237
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–5136
Landholding Agency: Army
Property Number: 21200210039
Status: Unutilized
Comment: 4986 sq. ft., needs major repair, presence of asbestos, most recent use—storage, off-site use only

Bldg. 752
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–5136
Landholding Agency: Army
Property Number: 21200210040
Status: Unutilized
Comment: 3663 sq. ft., needs major repair, presence of asbestos, most recent use—storage, off-site use only

Bldg. 2183
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–5136
Landholding Agency: Army
Property Number: 21200210041
Status: Unutilized
Comment: 693 sq. ft., needs major repair, presence of asbestos, most recent use—heat plant bldg., off-site use only

Bldg. 8
VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Landholding Agency: VA
Property Number: 97199010056
Status: Underutilized
Comment: 2200 sq. ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab

Land (by State)

Alabama

VA Medical Center
VAMC
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 97199010053
Status: Underutilized
Comment: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped

California

Land
4150 Clement Street
San Francisco Co: San Francisco CA 94121–
Landholding Agency: VA
Property Number: 97199240001
Status: Underutilized
Comment: 4 acres; landslide area

Iowa

40.66 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138–
Landholding Agency: VA
Property Number: 97199740002
Status: Underutilized
Comment: golf course, easement requirements

Maryland

VA Medical Center
9500 North Point Road
Fort Howard Co: Baltimore MD 21052–
Landholding Agency: VA
Property Number: 97199010020
Status: Underutilized
Comment: Approx. 10 acres, wetland and periodically floods, most recent use—dump site for leaves

Texas

Land
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504–
Landholding Agency: VA
Property Number: 97199010079
Status: Underutilized
Comment: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities

Wisconsin

VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Landholding Agency: VA
Property Number: 97199010054
Status: Underutilized
Comment: 12.4 acres, serves as buffer between center and private property, no utilities

Suitable/Unavailable Properties

Buildings (by State)

Alabama

Bldgs. 1001–1006, 1106–1107
Fort Rucker
Ft. Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 21200210027
Status: Unutilized
Comment: approx. 9000 sq. ft., poor condition, lead paint present, most recent use—warehouses, off-site use only

7 Bldgs.
Fort Rucker
116, 512, 3721, 3903, 1114, 1405A, 1423
Ft. Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 21200210028
Status: Unutilized
Comment: various sq. ft., poor condition, presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. 1102, 1104, 6021
Fort Rucker
Ft. Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 21200210029
Status: Unutilized
Comment: various sq. ft., need rehab, presence of asbestos/lead paint, most recent use—heat plant bldgs., off-site use only

Georgia

Bldg. 20802
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21200210078
Status: Unutilized
Comment: 740 sq. ft., needs repair, possible asbestos/lead paint, most recent use—storage, off-site, use only

Kansas

Bldg. P–469
Fort Leavenworth
Leavenworth Co: KS 66027–
Landholding Agency: Army

Property Number: 21200210031
Status: Unutilized
Comment: 625 sq. ft., most recent use—storage, off-site use only

Bldg. S–471
Fort Leavenworth
Leavenworth Co: KS 66027–
Landholding Agency: Army
Property Number: 21200210032
Status: Unutilized
Comment: 4535 sq. ft., most recent use—repair shop, off-site use only

Bldg. P–485
Fort Leavenworth
Leavenworth Co: KS 66027–
Landholding Agency: Army
Property Number: 21200210033
Status: Unutilized
Comment: 2006 sq. ft., most recent use—instructional, off-site use only

Bldg. S–486
Fort Leavenworth
Leavenworth Co: KS 66027–
Landholding Agency: Army
Property Number: 21200210034
Status: Unutilized
Comment: 960 sq. ft., most recent use—instructional, off-site use only

Bldg. S–496
Fort Leavenworth
Leavenworth Co: KS 66027–
Landholding Agency: Army
Property Number: 21200210035
Status: Unutilized
Comment: 7134 sq. ft., most recent use—vocational, off-site use only

Montana

VA MT Healthcare
210 S. Winchester
Miles City Co: Custer MT 59301–
Landholding Agency: VA
Property Number: 97200030001
Status: Underutilized
Comment: 18 buildings, total sq. ft. = 123,851, presence of asbestos, most recent use—clinic/office/food production

Wisconsin

Bldg. 2
VA Medical Center
500 West National Ave.
Milwaukee WI 53295–
Landholding Agency: VA
Property Number: 97199830002
Status: Underutilized
Comment: 133,730 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage

Land (by State)

Iowa

38 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138–
Landholding Agency: VA
Property Number: 97199740001
Status: Unutilized
Comment: golf course

Michigan

VA Medical Center
5500 Armstrong Road
Battle Creek Co: Calhoun MI 49016–
Landholding Agency: VA
Property Number: 97199010015
Status: Underutilized
Comment: 20 acres, used as exercise trails and storage areas, potential utilities.

New York

VA Medical Center
Fort Hill Avenue
Canandaigua Co: Ontario NY 14424–
Landholding Agency: VA
Property Number: 97199010017
Status: Underutilized
Comment: 27.5 acres, used for school ballfield and parking, existing utilities easements, portion leased.

Pennsylvania

VA Medical Center
New Castle Road
Butler Co: Butler PA 16001–
Landholding Agency: VA
Property Number: 97199010016
Status: Underutilized
Comment: Approx. 9.29 acres, used for patient recreation, potential utilities.

Land No. 645
VA. Medical Center
Highland Drive
Pittsburgh Co: Allegheny PA 15206–
Location: Between Campania and Wiltsie Streets.
Landholding Agency: VA
Property Number: 97199010080
Status: Unutilized
Comment: 90.3 acres, heavily wooded, property includes dump area and numerous site storm drain outfalls.

Land—34.16 acres
VA Medical Center
1400 Black Horse Hill Road
Coatesville Co: Chester PA 19320–
Landholding Agency: VA
Property Number: 97199340001
Status: Underutilized
Comment: 34.16 acres, open field, most recent use—recreation/buffer

Suitable/To Be Excessed

Buildings (by State)

Massachusetts

Cuttyhunk Boathouse
South Shore of Cuttyhunk
Pond
Gosnold Co: Dukes MA 02713–
Landholding Agency: DOT
Property Number: 87199310001
Status: Unutilized
Comment: 2700 sq. ft., wood frame, one story, needs rehab, limited utilities, off-site use only

Nauset Beach Light
Nauset Beach Co: Barnstable MA
Landholding Agency: DOT
Property Number: 87199420001
Status: Unutilized
Comment: 48 foot tower, cylindrical cast iron, most recent use—aid to navigation

Light Tower, Highland Light
Near Rt. 6, 9 miles south of
Race Point
North Truro Co: Barnstable MA 02652–
Landholding Agency: DOT
Property Number: 87199430005
Status: Excess
Comment: 66 ft. tower, 14′9″ diameter, brick structure, scheduled to be vacated 9/94

Keepers Dwelling
Highland Light
Near Rt. 6, 9 miles south of Race Point
North Truro Co: Barnstable MA 02652–
Landholding Agency: DOT
Property Number: 87199430006
Status: Excess
Comment: 1160 sq. ft., 2-story wood frame, attached to light tower scheduled to be vacated 9/94

Duplex Housing Unit
Highland Light
Near Rt. 6, 9 miles south of Race Point
North Truro Co: Barnstable MA 02652–
Landholding Agency: DOT
Property Number: 87199430007
Status: Excess
Comment: 2 living units, 930 sq. ft. each, 1-story each, located on eroding ocean bluff, scheduled to be vacated 9/94

Nahant Towers
Nahant Co: Essex MA
Landholding Agency: DOT
Property Number: 87199530001
Status: Unutilized
Comment: 196 sq. ft., 8-story observation tower

Land (by State)

Alaska

Gibson Cove Tract
Kodiak Co: AK 99619–
Landholding Agency: DOT
Property Number: 87199920001
Status: Unutilized
Comment: 37.55 acres, undeveloped land

Unsuitable Properties

Buildings (by State)

Alabama

Dwelling A
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120001
Status: Excess
Reason: Floodway

Dwelling B
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120002
Status: Excess
Reason: Floodway

Oil House
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120003
Status: Excess
Reason: Floodway

Garage
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120004
Status: Excess
Reason: Floodway

Shop Building
USCG Mobile Pt. Station

Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120005
Status: Excess
Reason: Floodway

Bldg. 7
VA Medical Center
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 97199730001
Status: Underutilized
Reason: Secured Area

Bldg. 8
VA Medical Center
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 97199730002
Status: Underutilized
Reason: Secured Area

Alaska

Bldg. 18
USCG Support Center
Kodiak Co: Kodiak Island AD 99619–5000
Landholding Agency: DOT
Property Number: 87199210132
Status: Excess
Reasons: Within airport runway clear zone; Secured Area
GSA Number: U–ALAS–655A

Boathouse
Coast Guard Station
Ketchikan
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200020001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 23
USCG Integrated Support Command
Kodiak Co: Kodiak Island AK 99619–
Landholding Agency: DOT
Property Number: 87200110009
Status: Excess
Reason: Extensive deterioration

Bldg. 25
USCG Integrated Support Command
Kodiak Co: Kodiak Island AK 99619–
Landholding Agency: DOT
Property Number: 87200110010
Status: Excess
Reason: Extensive deterioration

Bldg. 52
Integrated Support Command
Kodiak Co: AK 99615–
Landholding Agency: DOT
Property Number: 87200110012
Status: Unutilized
Reason: Extensive deterioration

Barracks
LORAN Station
Sitkinak Island Co: AK
Landholding Agency: DOT
Property Number: 87200120007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Floodway; Extensive deterioration

Incinerator Bldg.
LORAN Station
Sitkinak Island Co: AK
Landholding Agency: DOT
Property Number: 87200120008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Floodway; Extensive deterioration

Signal/Power Bldg.
LORAN Station
Sitkinak Island Co: AK
Landholding Agency: DOT
Property Number: 87200120009
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Floodway; Extensive deterioration

Transmitter Bldg.
LORAN Station
Sitkinak Island Co: AK
Landholding Agency: DOT
Property Number: 87200120010
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Floodway; Extensive deterioration

Waste Water Treatment Bldg.
LORAN Station
Sitkinak Island Co: AK
Landholding Agency: DOT
Property Number: 87200120011
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Floodway; Extensive deterioration

Bldg. V001
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140001
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. T003, T004
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140002
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. B001
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140003
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. B002
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140004
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. B003
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140005
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. B004
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140006
Status: Excess
Reasons: Secured Area

Bldg. B006
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140007
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. B008
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140008
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. B009
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140009
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. B011
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140010
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. B012
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140011
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. B000
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140012
Status: Excess
Reason: Extensive deterioration

California

10 Bldg.
USCG Station Humboldt Bay
Samoa Co: Humboldt CA 95564–9999
Landholding Agency: DOT
Property Number: 87199440027
Status: Excess
Reason: Extensive deterioration
Comment: Land to be relinquished to BLM (Public Domain Land)

Alemeda Facility
350 S. Santa Fe Drive
Denver Co: Denver CO 80223–
Landholding Agency: DOT
Property Number: 87199010014
Status: Unutilized
Reason: Other environmental
Comment: contamination

Connecticut

Falkner Island Light
U.S. Coast Guard

Guilford Co: New Haven CT 06512–
Landholding Agency: DOT
Property Number: 87199240031
Status: Unutilized
Comment: Floodway

Florida

Bldg. #3, Recreation Cottage
USCG Station
Marathon Co: Monroe FL 33050–
Landholding Agency: DOT
Property Number: 871999210008
Status: Unutilized
Reasons: Floodway; Secured Area

Exchange Building
St. Petersburg Co: Pinellas FL 33701–
Landholding Agency: DOT
Property Number: 87199410004
Status: Unutilized
Reasons: Floodway; Secured Area

Bldg. 103, Trumbo Point
Key West Co: Monroe FL 33040–
Landholding Agency: DOT
Property Number: 87199230001
Status: Unutilized
Reasons: Flodway; Secured Area

Exchange Building
St. Petersburg Co: Pinellas FL 33701–
Landholding Agency: DOT
Property Number: 87199410004
Status: Unutilized
Reason: Floodway

9988 Keepers Quarters A
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440009
Status: Underutilized
Reasons: Floodway; Secured Area

9989 Keepers Quarters B
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440010
Status: Underutilized
Reasons: Floodway; Secured Area

9990 Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440011
Status: Underutilized
Reasons: Floodway; Secured Area

9991 Plant Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440012
Status: Underutilized
Reasons: Floodway; Secured Area

9992 Shop Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440013
Status: Underutilized
Reasons: Floodway; Secured Areas

9993 Shop Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440014
Status: Underutilized
Reasons: Floodway; Secured Areas

9994 Water Pump Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440015
Status: Underutilized
Reasons: Floodway; Secured Areas

Storage Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440016
Status: Underutilized
Reasons: Floodway; Secured Areas

9999 Shop Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440017
Status: Underutilized
Reasons: Floodway; Secured Areas

3 Bldgs, and Land
Peanut Island Station
Riveria Beach Co: Palm Beach FL 33419–0909
Landholding Agency: DOT
Property Number: 87199510009
Status: Underutilized
Reasons: Floodway; Secured Areas

Cape St. George Lighthouse
Co: Franklin FL 32328–
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199640002
Status: Underutilized
Reasons: Floodway; Secured Areas

Maint/Carpentry Shop
USCG Station
St. Petersburg Co: Pinellas FL 33701–
Landholding Agency: DOT
Property Number: 8720012001
Status: Excess
Reasons: Secured Area; Extensive deterioration

Georgia

Coast Guard Station
St. Simons Island
Co: Glynn GA 31522–0577
Landholding Agency: DOT
Property Number: 87199540002
Status: Underutilized
Reasons: Extensive deterioration

Illinois

Calumet Harbor Station
U.S. Coast Guard
Chicago Co: Cook IL
Landholding Agency: DOT
Property Number: 87199310005
Status: Excess
Reason: Secured Area

Indiana

Bldg. 21, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230001
Status: Excess
Reason: Extensive deterioration

Bldg. 22, VA Medical Center
East 38th Street
Marion Co: Grant IN 46951–
Landholding Agency: VA
Property Number: 97199230002
Status: Excess
Reason: Extensive deterioration

Bldg. 62, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230003
Status: Excess
Reason: Extensive deterioration

Maine

Supply Bldg., Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 87199240005
Status: Unutilized
Reason: Floodway

Base Exchange, Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 87199240006
Status: Unutilized
Reason: Floodway

Engineering Shop, Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04779–5000
Landholding Agency: DOT
Property Number: 87199240007
Status: Unutilized
Reason: Floodway

Storage Bldg., Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 87199240008
Status: Unutilized
Reason: Floodway

Squirrel Point Light
U.S. Coast Guard
Phippsburg Co: Sayadahoc ME 04530–
Landholding Agency: DOT
Property Number: 87199240032
Status: Unutilized
Reason: Floodway

Keepers Dwelling
Heron Neck Light, U.S. Coast Guard
Vinalhaven Co: Knox ME 04841–
Landholding Agency: DOT
Property Number: 87199240035
Status: Unutilized
Reason: Extensive deterioration

Fort Papham Light
Phippsburg Co: Sagadahoc ME 04562–
Landholding Agency: DOT
Property Number: 87199320024
Status: Unutilized
Reason: Extensive deterioration

Nash Island Light
U.S. Coast Guard
Addison Co: Washington ME 04606–
Landholding Agency: DOT
Property Number: 87199420005
Status: Unutilized
Reason: Inaccessible

Bldg.—South Portland Base
U.S. Coast Guard
S. Portland Co: Cumberland ME 04106–
Landholding Agency: DOT

Property Number: 87199420006
Status: Unutilized
Reason: Secured Area

Garage—Boothbay Harbor Stat.
Boothbay Harbor Co: Lincoln ME 04538–
Landholding Agency: DOT
Property Number: 87199430001
Status: Unutilized
Reason: Secured Area

Maryland

Bldgs. 38–39, 41, 43–46, 56
U.S. Coast Guard Yard
Baltimore, MD 21226–
Landholding Agency: DOT
Property Number: 87199540005
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 53
U.S. Coast Guard Yard
Baltimore, MD 21226–
Landholding Agency: DOT
Property Number: 87199540006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 6
U.S. Coast Guard Yard, 2401
Hawkins Point Rd.
Baltimore, MD 21226–1797
Landholding Agency: DOT
Property Number: 87199620001
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 59
U.S. Coast Guard Yard, 2401
Hawkins Point Rd.
Baltimore, MD 21226–1797
Landholding Agency: DOT
Property Number: 87199620002
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

5 Bldgs.
USCG Yard
#9, 21, 23, 52, 57
Baltimore Co: MD 21226–
Landholding Agency: DOT
Property Number: 87200120002
Status: Unutilized
Reason: Extensive deterioration

Massachusetts

Bldg. 4, USCG Support Center
Commercial Street
Boston Co: Suffolk MA 02203–
Landholding Agency: DOT
Property Number: 87199240001
Status: Underutilized
Reason: Secured Area

Eastern Point Light
U.S. Coast Guard
Gloucester Co: Essex MA 01930–
Landholding Agency: DOT
Property Number: 87199240029
Status: Unutilized
Reasons: Floodway; Secured Area

Storage Shed
Highland Light
N. Truro Co: Barnstable MA 02652–
Location: DeSoto Johnson KS66018–
Landholding Agency: DOT
Property Number: 87199430004
Status: Unutilized
Reason: Extensive deterioration

Westview Street Wells
Lexington Co: MA 02173–
Landholding Agency: VA
Property Number: 97199920001
Status: Unutilized
Reason: Extensive deterioration

Michigan

Boathouse
Coast Guard Station
East Tawas Co: Iosco MI 48730–
Landholding Agency: DOT
Property Number: 87200040003
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Storage Shed (OS2)
USCG Station
Port Huron Co: St. Clair MI 48060–
Landholding Agency: DOT
Property Number: 87200110036
Status: Unutilized
Reasons: Floodway; Secured Area

Station Bldg.
USCG Station
Manistee Co: MI 49660–
Landholding Agency: DOT
Property Number: 87200120003
Status: Unutilized
Reasons: Floodway; Secured Area

Garage Bldg.
USCG Station
Manistee Co: MI 49660–
Landholding Agency: DOT
Property Number: 87200120004
Status: Unutilized
Reasons: Floodway; Secured Area

Shed/Pump Bldg.
USCG Station
Manistee Co: MI 49660–
Landholding Agency: DOT
Property Number: 87200120005
Status: Unutilized
Reasons: Floodway; Secured Area

Storage Bldg.
USCG Station
Manistee Co: MI 49660–
Landholding Agency: DOT
Property Number: 87200120006
Status: Unutilized
Reasons: Floodway; Secured Area

Station/boathouse Bldg.
USCG Harbor Beach Station
Harbor Beach Co: Huron MI 48441–
Landholding Agency: DOT
Property Number: 87200130001
Status: Unutilized
Reasons: Floodway; Extensive deterioration

Calfac Building
Keweenaw Peninsula Waterway
Hancock Township Co: Houghton MI
Landholding Agency: DOT
Property Number: 87200140013
Status: Unutilized
Reason: Secured Area

Storage Bldg.
US Coast Guard Station
Essexville Co: Bay MI 48732–
Landholding Agency: DOT
Property Number: 87200210011
Status: Excess
Reason: Secured Area

Mississippi

Natchez Moorings
82 L.E. Berry Road
Natchez Co: Adams MS 39121–
Landholding Agency: DOT
Property Number: 87199340002
Status: Unutilized
Reason: Extensive deterioration

Bldg. 6, Boiler Plant
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 97199410001
Status: Unutilized
Reason: Floodway

Bldg. 67
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 97199410008
Status: Unutilized
Reason: Extensive deterioration

Bldg. 68
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 97199410009
Status: Unutilized
Reason: Extensive deterioration

Piers and Wharf
Station Sandy Hook
Highlands Co: Monmouth NJ 07732–5000
Landholding Agency: DOT
Property Number: 87199240009
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Chapel Hill Front Range
Light Tower
Middletown Co: Monmouth NJ 07748–
Landholding Agency: DOT
Property Number: 87199440002
Status: Unutilized
Reason: Skeletal tower

Bldg. 103
U.S. Coast Guard Station
Sandy Hook
Middletown Co: Monmouth NJ 07737–
Landholding Agency: DOT
Property Number: 87199610002
Status: Unutilized
Reason: Secured Area

Ship Stg. Bldg.
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200110018
Status: Excess
Reason: Secured Area

Exchange Whse
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200110019
Status: Excess
Reason: Secured Area

Patrol Boat Bldg.
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200110020
Status: Excess

Reason: Secured Area

Station Bldg.
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200110021
Status: Excess
Reason: Secured Area

ANT Bldg.
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200110022
Status: Excess
Reason: Secured Area

Quarters C
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200120012
Status: Excess
Reason: Secured Area

Central Heating Plant
USCG Training Center
Cape May Co: NY 08204–5002
Landholding Agency: DOT
Property Number: 87200120013
Status: Excess
Reason: Secured Area

Hangar/Shop
USCG Training Center
Cape May Co: NY 08204–5002
Landholding Agency: DOT
Property Number: 87200120014
Status: Excess
Reason: Secured Area

New York

Bldg. 194
Brookhaven National Lab
Upton Co: Suffolk NY 11973–
Landholding Agency: Energy
Property Number: 41200210009
Status: Unutilized
Reason: Extensive deterioration

Bldg. 318
Brookhaven National Lab
Upton Co: Suffolk NY 11973–
Landholding Agency: Energy
Property Number: 41200210010
Status: Unutilized
Reason: Extensive deterioration

Bldg. 0426
Brookhaven National Lab
Upton Co: Suffolk NY 11973–
Landholding Agency: Energy
Property Number: 41200210011
Status: Unutilized
Reason: Extensive deterioration

Bldg. 960
Brookhaven National Lab
Upton Co: Suffolk NY 11973–
Landholding Agency: Energy
Property Number: 41200210012
Status: Unutilized
Reason: Extensive deterioration

Bldg. 962
Brookhaven National Lab
Upton Co: Suffolk NY 11973–
Landholding Agency: Energy
Property Number: 41200210013
Status: Unutilized
Reason: Extensive deterioration

2 Buildings
Ant Saugerties
Saugerties Co: Ulster NY 12477–
Landholding Agency: DOT
Property Number: 87199230005
Status: Unutilized
Reason: Extensive deterioration

Bldg. 606, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 87199240020
Status: Unutilized
Reason: Extensive deterioration

Bldg. 607, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 87199240021
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldg. 605, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 87199240022
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Eatons Neck Station
U.S. Coast Guard
Huntington Co: Suffolk NY 11743–
Landholding Agency: DOT
Property Number: 87199310003
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 517, USCG Support Center
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 87199320025
Status: Unutilized
Reason: Secured Area

Bldg. 138
U.S. Coast Guard Support Center
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 87199410003
Status: Unutilized
Reason: Secured Area

Bldg. 830
U.S. Coast Guard
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 87199420004
Status: Unutilized
Reason: Secured Area

Bldg. 8
Rosebank—Coast Guard Housing
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199530009
Status: Unutilized
Reason: Secured Area

Bldg. 7
Rosebank—Coast Guard Housing
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199530010
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 222
Fort Wadsworth
Staten Island Co: Richmond NY 10305–
Landholding Agency: DOT
Property Number: 87199620003
Status: Unutilized
Reason: Secured Area

Bldg. 223
Fort Wadsworth
Staten Island Co: Richmond NY 10305–
Landholding Agency: DOT
Property Number: 87199620004
Status: Unutilized
Reason: Secured Area

Bldg. 205
Fort Wadsworth
Staten Island Co: Richmond NY 10305–
Landholding Agency: DOT
Property Number: 87199620005
Status: Unutilized
Reason: Secured Area

Bldg. 9
U.S. Coast Guard—Rosebank
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199630027
Status: Excess
Reason: Secured Area

Bldg. 10
U.S. Coast Guard—Rosebank
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199630028
Status: Excess
Reason: Secured Area

Bldg. 206, Rosebank
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199630029
Status: Excess
Reason: Secured Area

Cottage
Coast Guard Station
Wellesley Island Co: Jefferson NY 13640–
Landholding Agency: DOT
Property Number: 8719940001
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Group Cape Hatteras
Boiler Plant
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 8719920018
Status: Unutilized
Reason: Secured Area

Group Cape Hatteras
Bowling Alley
Buxon Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 8719920019
Status: Unutilized
Reason: Secured Area

Bldg. 54
Group Cape Hatteras
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 87199340004
Status: Unutilized
Reason: Secured Area

Bldg. 83
Group Cape Hatteras
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property number: 87199340005
Status: Unutilized

Reason: Secured Area

Water Tanks
Group Cape Hatteras
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property number: 87199340006
Status: Unutilized
Reason: Secured Area

USCG Gentian (WLB 290)
Fort Macon State Park
Atlantic Beach Co: Carteret NC 27601–
Landholding Agency: DOT
Property number: 8719942007
Status: Excess
Reason: Secured Area

Unit #71
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property number: 87199530011
Status: Unutilized
Reason: Floodway

Unit #72
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property number: 87199530012
Status: Unutilized
Reason: Floodway

Unit #73
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property number: 87199530013
Status: Unutilized
Reason: Floodway

Unit #74
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property number: 87199530014
Status: Unutilized
Reason: Floodway

Unit #75
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property number: 87199530015
Status: Unutilized
Reason: Floodway

Unit #63
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property number: 87199530016
Status: Unutilized
Reason: Floodway

Unit #64
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530017
Status: Unutilized
Reason: Floodway

Unit #76
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530018
Status: Unutilized
Reason: Floodway

Unit #68
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530019
Status: Unutilized
Reason: Floodway

Unit #69
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530020
Status: Unutilized
Reason: Floodway

Unit #70
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530021
Status: Unutilized
Reason: Floodway

Unit #77
Buxton Annex, Old Lighthouse Road
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530022
Status: Unutilized
Reason: Floodway

Unit #78
Buxton Annex, Old Lighthouse Road
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530023
Status: Unutilized
Reason: Floodway

Bldg. 53
Coast Guard Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 87199630022
Status: Unutilized
Reason: Secured Area

Bldg. OV1 (033)
USCG Cape Hatteras
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 87200210012
Status: Underutilized
Reason: Secured Area

Storage Bldg.
USCG Loran Station
Carolina Beach Co. New Hanover NC
Landholding Agency: DOT
Property Number: 87200210013
Status: Underutilized
Reason: Secured Area

MK Shed
USCG Loran Station
Carolina Beach Co. New Hanover NC
Landholding Agency: DOT
Property Number: 87200210014
Status: Underutilized
Reason: Secured Area

Bldg. 9
VA Medical Center
1100 Tunnel Road
Asheville Co: Buncombe NC 28805–
Landholding Agency: VA
Property Number: 97199010008
Status: Unutilized
Reason: Extensive deterioration

Ohio

Bldg. 116
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920002
Status: Unutilized
Reason: Extensive deterioration

Bldg. 402
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920004
Status: Unutilized
Reason: Extensive deterioration

Bldg. 105
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920005
Status: Unutilized
Reason: Extensive deterioration

Oregon

Bldg. 8
USCG Tongue Point Moorings
Astoria Co: OR 97103–2099
Landholding Agency: DOT
Property Number: 87199910001
Status: Unutilized
Reason: Extensive deterioration

Duplex
Cape Blanco
Sixes Co: Curry OR 97465–
Landholding Agency: DOT
Property Number: 87199940002
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5
Coast Guard Group
Astoria Co: OR 97103–
Landholding Agency: DOT
Property Number: 87200210015
Status: Underutilized
Reason: Secured Area

Pennsylvania

Bldg. 483
Naval Surface Warfare Center
Philadelphia Co: PA 19111–2
Landholding Agency: Navy
Property Number: 77200210082
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 530
Naval Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200210083
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 615
Naval Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200210084
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 618
Naval Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy

Property Number: 77200210085
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 743
Naval Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200210086
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Puerto Rico

NAFA Warehouse
U.S. Coast Guard Air Station
Borinquen
Aquadilla PR 00604–
Landholding Agency: DOT
Property Number: 87199310011
Status: Unutilized
Reason: Secured Area

Storage Equipment Bldg.
U.S. Coast Guard Air Station
Borinquen
Aquadilla PR 00604–
Landholding Agency: DOT
Property Number: 87199330001
Status: Unutilized
Reason: Secured Area

Bldg. 115
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510001
Status: Unutilized
Reason: Secured Area

Bldg. 117
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510002
Status: Unutilized
Reason: Secured Area

Bldg. 118
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510003
Status: Unutilized
Reason: Secured Area

Bldg. 119
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510004
Status: Unutilized
Reason: Secured Area

Bldg. 120
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510005
Status: Unutilized
Reason: Secured Area

Bldg. 122
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510006
Status: Unutilized
Reason: Secured Area

Bldg. 128
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510007
Status: Unutilized
Reason: Secured Area

Bldg. 129
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510008
Status: Unutilized
Reason: Secured Area

Rhode Island

Station Point Judith Pier
Narranganset Co: Washington RI 02882–
Landholding Agency: DOT
Property Number: 87199310002
Status: Unutilized
Reason: Extensive deterioration

Texas

Old Exchange Bldg.
Galveston Co: Galveston TX 77553–3001
Landholding Agency: DOT
Property Number: 87199310012
Status: Unutilized
Reason: Secured Area

WPB Building
Station Port Isabel
Coast Guard Station
South Padre Island Co: Cameron TX 78597–6497
Landholding Agency: DOT
Property Number: 87199530002
Status: Unutilized
Reason: Floodway

Aton Shops Building
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property number: 87199530003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

WPB Storage Shed
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property number: 87199530004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Flammable Storage Building
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property number: 87199530005
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Battery Storage Building
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property number: 87199530006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Boat House
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property number: 87199530007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Small Boat Pier
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property number: 87199530008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 108
Fort Crockett/43rd St.
Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: DOT
Property number: 87199630008
Status: Unutilized
Reason: Extensive deterioration

Vermont

Depot Street
Downtown at the Waterfront
Burlington Co: Chittenden VT 05401–5226
Landholding Agency: DOT
Property number: 87199220003
Status: Excess
Reason: Floodway

Virginia

Bldg. 052 & Tennis Court
USCG Reserve Training Center
Yorktown Co: York VA 23690–
Landholding Agency: DOT
Property number: 87199230004
Status: Excess
Reason: Secured Area

Admin. Bldg.
Coast Guard, Group Eastern
Shores
Chincoteague Co: Accomack VA 23361–510
Landholding Agency: DOT
Property Number: 87199120014
Status: Unutilized
Reason: Secured Area

Little Creek Station
Navamphib Base, West Annex,
U.S. Coast Guard
Norfolk Co: Princess Anne VA 23520–
Landholding Agency: DOT
Property Number: 87199310004
Status: Unutilized
Reason: Secured Area

Operations Bldg.
U.S. Coast Guard Group
Hampton Roads
Portsmouth VA 23703–
Landholding Agency: DOT
Property Number: 87199710003
Status: Unutilized
Reason: Secured Area

Bldgs. 63, 115
USCG Training Center
Yorktown Co: York VA 23690–5000
Landholding Agency: DOT
Property Number: 87200110037
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 156
USCG Training Center
Yorktown
Yorktown Co: York VA 23690–5000
Landholding Agency: DOT
Property Number: 87200120015
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Washington

Avionics Shop
Coast Guard Air Station
Port Angeles Co: Clallam WA 98362–
Landholding Agency: DOT
Property Number: 87200110023
Status: Unutilized
Reason: Secured Area

Storage Bldg.
Coast Guard Air Station
Port Angeles Co: Clallam WA 98362–
Landholding Agency: DOT
Property Number: 87200110024
Status: Underutilized
Reason: Secured Area

Maint. Work Shop
Coast Guard Air Station
Port Angeles Co: Clallam WA 98362–
Landholding Agency: DOT
Property Number: 87200110025
Status: Underutilized
Reason: Secured Area

Wisconsin

Rawley Point Light
Two Rivers Co: Manitowoc WI
Landholding Agency: DOT
Property Number: 87199540004
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Unsuitable Properties

LAND (by State)

Alaska

Russian Creek Aggregate Site
USCG Support Center Kodiak
Kodiak Co: Kodiak AK 99619–
Landholding Agency: DOT
Property Number: 87199440025
Status: Excess
Reason: Floodway.

Sargent Creek Aggregate Site
USCG Support Center Kodiak
Kodiak Co: Kodiak AK 99619–
Landholding Agency: DOT
Property Number: 87199440026
Status: Excess
Reason: Floodway.

Arizona

58 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313–
Landholding Agency: VA
Property Number: 97190630001
Status: Unutilized
Reason: Floodway

20 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313–
Landholding Agency: VA
Property Number: 9719063002
Status: Underutilized
Reason: Floodway

Florida

Land—approx. 220 acres
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440018
Status: Underutilized
Reason: Floodway; Secured Area

Wildlife Sanctuary, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504–
Landholding Agency: VA
Property Number: 97199230004
Status: Underutilized
Reason: Inaccessible

Michigan

Middle Marker Facility
Yipsilanti Co: Washtenaw MI 48198–
Location: 549 ft. north of intersection of Coolidge and Bradley Ave. on East side of street
Landholding Agency: DOT
Property Number: 87199120006
Status: Unutilized
Reason: Within airport runway clear zone

Minnesota

3.85 acres (Area #2)
VA Medical Center
4801 8th Street
St. Cloud Co: Stearns MN 56303–
Landholding Agency: VA
Property Number: 97199740004
Status: Unutilized
Reason: landlocked

7.48 acres (Area #1)
VA Medical Center
4801 8th Street
St. Cloud Co: Stearns MN 56303–
Landholding Agency: VA
Property Number: 97199740005
Status: Underutilized
Reason: Secured Area

New York

Track 1
VA Medical Center
Bath Co: Steuben NY 14820–
Location: Exit 38 off New York State Route 17
Landholding Agency: VA
Property Number: 97199010011
Status: Underutilized
Reason: Secured Area

Track 2
VA Medical Center
Bath Co: Steuben NY 14820–
Location: Exit 38 off New York State Route 17
Landholding Agency: VA
Property Number: 97199010012
Status: Underutilized
Reason: Secured Area

Track 3
VA Medical Center
Bath Co: Steuben NY 14820–
Location: Exit 38 off New York State Route 17
Landholding Agency: VA
Property Number: 97199010013
Status: Underutilized
Reason: Secured Area

Track 4
VA Medical Center
Bath Co: Steuben NY 14820–
Location: Exit 38 off New York State Route 17
Landholding Agency: VA
Property Number: 97199010014
Status: Underutilized
Reason: Secured Area

North Carolina

5 (0.91) Parcels
Marine Corps Base
Camp Lejeune Co: NC
Landholding Agency: Navy
Property Number: 77200210080
Status: Underutilized
Reason: Secured Area

3 (0.91) Parcels
Marine Corps Base
Greater Sandy Run
Camp Lejeune Co: NC
Landholding Agency: Navy
Property Number: 77200210081
Status: Underutilized
Reason: Within airport runway clear zone; Secured Area

[FR Doc. 02–5268 Filed 3–7–02; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Exxon Valdez Oil Spill Trustee Council; Invitation for Proposals

AGENCY: Department of the Interior, Office of the Secretary.

ACTION: Notice.

SUMMARY: The Exxon Valdez Oil Spill Trustee Council is asking the public, private organizations, and government agencies to submit proposals for restoration of resources and services injured by the Exxon Valdez oil spill. The Invitation to Submit Restoration Proposals for Federal Fiscal Year 2003, a booklet explaining the process, is available from the Trustee Council office or from the Trustee Council Internet site.

DATES: Proposals are due April 15, 2002.

ADDRESSES: Exxon Valdez Oil Spill Trustee Council, 441 West 5th Avenue, Suite 500, Anchorage, Alaska 99501.

FOR FURTHER INFORMATION CONTACT: The Restoration Office, (907) 278–8012 or toll free at (800) 478–7745 (in Alaska) or (800) 283–7745 (outside Alaska) or via e-mail at *restoration@oilspill.state.ak.us* or via Internet at *www.oilspill.state.ak.us.*

SUPPLEMENTARY INFORMATION: Following the Exxon Valdez oil spill in March 1989, a Trustee Council of three state and three federal trustees, including the Secretary of the Interior, was formed. The Trustee Council prepared a restoration plan for the injured resources and services within the oil spill area. The restoration plan calls for annual work plans identifying projects to accomplish restoration. Each year proposals for restoration projects are solicited from a variety of organizations, including the public.

Dated: March 4, 2002.

Willie R. Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 02–5478 Filed 3–7–02; 8:45 am]

BILLING CODE 4310–RG–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Application

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of application.

The following applicant has applied for a permit amendment to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

Permit Number TE 049738

Applicant: Mainstream Commercial Divers, Inc., Murray, Kentucky.

The applicant requests a permit to take (collect) all endangered and threatened mussel species throughout eastern and central United States. Activities are proposed for studies to identify populations of listed species and to develop methods to minimize or avoid project related impacts to those populations. The scientific research is aimed at enhancement of survival of the species in the wild.

Written data or comments should be submitted to the Regional Director, U.S. Fish and Wildlife Service, Ecological Services, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056, and must be received within 30 days of the date of this publication.

Documents and other information submitted with this application are available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Ecological Services, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056. Telephone: (612) 713–5343; FAX: (612) 713–5292.

Dated: February 15, 2002.

Charles M. Wooley,

Assistant Regional Director, Ecological Services, Region 3, Fort Snelling, Minnesota.

[FR Doc. 02–5569 Filed 3–7–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Rate Adjustments for Indian Irrigation Projects

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of proposed rate adjustments.

SUMMARY: The Bureau of Indian Affairs (BIA) owns, or has an interest in, irrigation facilities located on various Indian reservations throughout the United States where rates are established to recover its costs to administer, operate, maintain, and rehabilitate those facilities. We propose to publicize rate adjustments once a year for all of these facilities instead of several times during the year for individual facilities. We request your comments on the proposed rate adjustments.

DATES: Interested parties may submit comments on the proposed rate adjustments on or before May 7, 2002.

ADDRESSES: All comments on the proposed rate adjustments must be in writing and addressed to: Terrance Virden, Director, Office of Trust Responsibilities, Attn.: Irrigation and Power, MS–3061–MIB, Code 210, 1849 C Street, NW, Washington, DC 20240; Telephone (202) 208–5480.

FOR FURTHER INFORMATION CONTACT: For details about a particular irrigation project, please use the tables in **SUPPLEMENTARY INFORMATION** section to contact the regional or local office where the project is located.

SUPPLEMENTARY INFORMATION: The tables in this notice list the irrigation project contacts where the BIA recovers its costs for local administration, operation, maintenance, and rehabilitation, the current irrigation assessment rates, and the proposed rates for the 2002 irrigation season and subsequent years where applicable.

What Are Some of the Terms I Should Know for This Notice?

The following are terms we use that may help you understand how we are applying this notice.

Administrative costs means all costs we incur to administer our irrigation projects at the local project level. Local project level does not normally include the Agency, Region, or Central Office costs unless we state otherwise in writing.

Assessable acres means lands designated by us to be served by one of our irrigation projects and to which we provide irrigation service and recover our costs. (*See Total assessable acres.*)

BIA means the Bureau of Indian Affairs.

Bill means our statement to you of the assessment charges and/or fees you owe the United States for administration, operation, maintenance, and/or rehabilitation. The date we mail or hand deliver your bill will be stated on it.

Costs means the costs we incur for administration, operation, maintenance, and rehabilitation to provide direct support or benefit to an irrigation facility.

Customer means any person or entity that we provide irrigation service to.

Due date is the date on which your bill is due and payable. This date will be stated on your bill.

I, me, my, you, and your means all interested parties, especially persons or entities that we provide irrigation service to and receive beneficial use of our irrigation projects affected by this notice and our supporting policies, manuals, and handbooks.

Irrigation project means, for the purposes of this notice, the facility or portions thereof, that we own, or have an interest in, including all appurtenant works, for the delivery, diversion, and storage of irrigation water to provide irrigation service to customers for which we assess periodic charges to recover our costs to administer, operate, maintain, and rehabilitate. These projects may be referred to as facilities, systems, or irrigation areas.

Irrigation service means the full range of services we provide customers of our irrigation projects, including, but not limited to, water delivery. This includes our activities to administer, operate, maintain, and rehabilitate our projects.

Maintenance costs means all costs we incur to maintain and repair our irrigation projects and equipment of our irrigation projects and is a cost factor included in calculating your O&M assessment.

Must means an imperative or mandatory act or requirement.

Operation and maintenance (O&M) assessment means the periodic charge you must pay us to reimburse our costs.

Operation or operating costs means costs we incur to operate our irrigation projects and equipment and is a cost factor included in calculating your O&M assessment.

Past due bill means a bill that has not been paid by the close of business on the 30th day after the due date, as stated on the bill. Beginning on the 31st day after the due date we begin assessing additional charges accruing from the due date.

Rehabilitation costs means costs we incur to restore our irrigation projects or features to original operating condition or to the nearest state which can be achieved using current technology and is a cost factor included in calculating your O&M assessment.

Total assessable acres means the total acres served by one of our irrigation projects. (*See assessable acres.*)

Total O&M cost means the total of all the allowable and allocatable costs we incur for administering, operating, maintaining, and rehabilitating our irrigation projects serving your farm unit.

Water means water we deliver at our projects for the general purpose of irrigation and other purposes we agree to in writing.

Water delivery is an activity that is part of the irrigation service we provide our customers when water is available.

We, us, and our means the United States Government, the Secretary of the Interior, the BIA, and all who are authorized to represent us in matters covered under this notice.

Does This Notice Affect Me?

This notice affects you if you own or lease land within the assessable acreage of one of our irrigation projects, or you have a carriage agreement with one of our irrigation projects.

Where Can I Get Information on the Regulatory and Legal Citations in This Notice?

You can contact the appropriate office(s) stated in the tables for the irrigation project that serves you, or you can use the Internet site for the Government Printing Office at *http://www.gpo.gov.*

Why Are You Publishing This Notice?

We are publishing this to notify you that we propose to adjust one or more of our irrigation assessment rates. We are publishing this notice in accordance with the BIA's regulations governing its operation and maintenance of irrigation projects, specifically, 25 CFR 171.1. These sections provide for the fixing and announcing of the rates for annual assessments and related information for our irrigation projects.

What Authorizes You To Issue This Notice?

Our authority to issue this notice is vested in the Secretary of the Interior by 5 U.S.C. 301 and the Act of August 14, 1914 (38 Stat. 583; 25 U.S.C. 385). The Secretary has in turn delegated this authority to the Assistant Secretary—Indian Affairs under Part 209, Chapter 8.1A, of the Department of the Interior's Departmental Manual and by memorandum dated January 25, 1994, from the Chief of Staff, Department of the Interior, to Assistant Secretaries, and Heads of Bureaus and Offices.

When Will You Put the Rate Adjustments Into Effect?

We will put the rate adjustments into effect after considering comments we receive and publishing a final notice. The adjustments will be retroactive to January 1, 2002.

How Do You Calculate Irrigation Rates?

We calculate irrigation assessment rates in accordance with 25 CFR 171.1(f) by estimating the cost of normal operation and maintenance at each of our irrigation projects. The cost of normal operation and maintenance means the expenses we incur to provide direct support or benefit for an irrigation project's activities for administration, operation, maintenance, and rehabilitation. These costs are then applied as stated in the rate table in this notice.

What Kinds of Expenses Do You Include in Determining the Estimated Cost of Normal Operation and Maintenance?

We include the following expenses:

(a) Personnel salary and benefits for the project engineer/manager and project employees under their management control;

(b) Materials and supplies;

(c) Major and minor vehicle and equipment repairs;

(d) Equipment, including transportation, fuel, oil, grease, lease and replacement;

(e) Capitalization expenses;

(f) Acquisition expenses;

(g) Maintenance of a reserve fund available for contingencies or emergency expenses for, and insuring, reliable operation of the irrigation project; and

(h) Other expenses we determine necessary to properly perform the activities and functions characteristic of an irrigation project.

When Should I Pay My Irrigation Assessment?

We will mail or hand deliver your bill notifying you of the amount you owe to the United States and when such amount is due. If we mail your bill, we will consider it as being delivered no later than 5 business days after the day we mail it. You should pay your bill no later than the close of business on the 30th day after the due date stated on the bill.

What Information Must I Provide for Billing Purposes?

We must obtain certain information from you to ensure we can properly process, bill for, and collect money owed to the United States. We are required to collect the taxpayer identification number or social security number to properly bill the responsible party and service the account under the authority of, and as prescribed in, Public Law 104–143, the Debt Collection Improvement Act of 1996.

(a) At a minimum, this information is:

(1) Full legal name of person or entity responsible for paying the bill;

(2) Adequate and correct address for mailing or hand delivering our bill; and

(3) The taxpayer identification number or social security number of the person or entity responsible for paying the bill.

(b) It is your responsibility to ensure we have correct and accurate information for (a) above.

(c) If you are late paying your bill due to your failure to furnish such information or comply with (b), you cannot appeal your bill on this basis.

What Can Happen If I Do Not Provide the Information Required for Billing Purposes?

We can refuse to provide you irrigation service.

If I Allow My Bill To Become Past Due, Could This Affect My Water Delivery?

If we do not receive your payment before the close of business on the 30th day after the due date stated on your bill, we will send you a past due notice. Your bill will have additional information concerning your rights. We will consider your past due notice as delivered no later than 5 business days after the day we mail it. We have the right to refuse water delivery to any of your irrigated land on which the bill has not been paid by the due date. We can continue to refuse water delivery until you pay your bill or make payment arrangements that we agree to. Our authority to demand payment of your past due bill is 31 CFR 901.2, ''Demand for Payment.''

Are There Any Additional Charges If I am Late Paying My Bill?

Yes. We will assess you interest on the amount owed and use the rate of interest established annually by the Secretary of the United States Treasury (Treasury) to calculate what you will be assessed (31 CFR 901.9(b)). You will not be assessed this charge until your bill is past due. However, if you allow your bill to become past due, interest will accrue from the due date, not the past

due date. Also, you will be charged an administrative fee of $12.50 for each time we try to collect your past due bill. If your bill becomes more than 90 days past due, you will be assessed a penalty charge of 6 percent per year and it will accrue from the date your bill initially became past due. Our authority to assess interest, penalties, and administration fees on past due bills is prescribed in 31 CFR 901.9, ''Interest, penalties, and costs.''

What Else Can Happen to My Past Due Bill?

If you do not pay your bill or make payment arrangements that we agree to, we are required to send your past due bill to the Treasury for further action. We must send your bill to Treasury no later than 180 days after the original due date of your irrigation assessment bill. The requirement for us to send your unpaid bill to Treasury is prescribed in 31 CFR 901.1, ''Aggressive agency collection activity.''

Who Can I Contact for Further Information?

The following tables are the regional and project/agency contacts for our irrigation facilities.

Project name	Project/agency/contacts
Northwest Region Contacts	
Stanley Speaks, Regional Director, Bureau of Indian Affairs, Northwest Regional Office, 911 N. E. 11th Avenue, Portland, Oregon 97232–4169, Telephone (503) 231–6702.	
Flathead Irrigation Project	Ernest T. Moran, Superintendent, Flathead Agency Irrigation Division, PO Box 40, Pablo, Montana 59855–5555, Telephone: (406) 675–2700
Fort Hall Irrigation Project	Eric J. LaPointe, Superintendent, Fort Hall Agency, PO Box 220, Fort Hall, Idaho 83203–0220, Telephone: (208) 238–2301
Wapato Irrigation Project	Pierce Harrison, Project Administrator, Wapato Irrigation Project, PO Box 220, Wapato, WA 98951–0220, Telephone: (509) 877–3155
Rocky Mountain Region Contacts	
Keith Beartusk, Regional Director, Bureau of Indian Affairs, Rock Mountain Regional Office, 316 North 26th Street, Billings, Montana 59101, Telephone: (406) 247–7943	
Blackfeet Irrigation Project	Ross Denny, Superintendent, Cliff Hall, Irrigation Manager, Box 880, Browning, MT 59417, Telephones: (406) 338–7544, Superintendent, (406) 338–7519, Irrigation
Crow Irrigation Project	Gordon Jackson, Superintendent, Dan Lowe, Irrigation Manager, PO Box 69, Crow Agency, MT 59022, Telephones: (406) 638–2672 Superintendent (406) 638–2863 Irrigation
Fort Belknap Irrigation Project	Cleo Hamilton, Superintendent, Ted Hall, Acting Irrigation Manager, R.R.1, Box 980, Harlem, MT 59526, Telephones: (406) 353–2901 Superintendent, (406) 353–2905 Irrigation
Fort Peck Irrigation Project	Dennis Whiteman, Superintendent, PO Box 637, Poplar, MT 59255, Marvin Azure, Irrigation Manager (acting), 602 6th Avenue North, Wolf Point, MT 59201, Telephones: (406) 768–5312, Superintendent, (406) 653–1752, Irrigation
Wind River Irrigation Project	Perry Baker, Superintendent, Sheridan Nicholas, Irrigation Manager, PO Box 158, Fort Washakie, WY 82514, Telephones: (307) 332–7810, Superintendent, (307) 332–2596 Irrigation
Southwest Region Contacts	
Rob Baracker, Regional Director, Bureau of Indian Affairs, Southwest Regional Office, 615 First Street, NW, Albuquerque, New Mexico 87102, Telephone (505) 346–7587	
Pine River Irrigation Project	Michael Stancampiano, Superintendent, Kenneth Caveney, Irrigation Engineer, P.O. Box 315, Ignacio, CO 81137–0315; Telephones: (970) 563–4511 Superintendent, (970) 563–1017 Irrigation
Western Region Contacts	
Wayne Nordwall, Regional Director, Bureau of Indian Affairs, Western Regional Office, P.O. Box 10, Phoenix, Arizona 85001, Telephone (602) 379–6600	
Colorado River Irrigation Project	Allen Anspach, Superintendent, R.R. 1 Box 9–C, Parker, AZ 85344, Telephone: (928) 669–7111
Duck Valley Irrigation Project	Paul Young, Superintendent, Pete LeFebvre, Nat'l Resources Specialist, 1555 Shoshone Circle, Elko, Nevada 89801, Telephones: (775) 738–0569, Superintendent, (775) 738–0590, Irrigation
Fort Yuma Irrigation Project	William Pyott, Land Operations Officer, P.O. Box 11000, Yuma, Arizona, Telephone: (520) 782–1202
San Carlos Irrigation Project Joint Works	Randy Shaw, Irrigation Manager, 13805 N. Arizona Boulevard, Coolidge, AZ 85228, Telephone: (520) 723–6216
San Carlos Irrigation Project Indian Works	Joe Revak, Pima Agency, Land Operations, Box 8, Sacaton, AZ 85247, Telephone: (520) 562–3372
Uintah Irrigation Project	Lynn Hansen, Irrigation Manager, PO Box 130, Fort Duchesne, UT 84026, Telephone: (435) 722–4341
Walker River Irrigation Project	Chuck O'Rourke, Natural Resource Officer, 1677 Hot Springs Road, Carson City, Nevada 89706, Telephone: (775) 887–3550

What Irrigation Assessments or Charges Are Proposed for Adjustment by This Notice?

The rate table below contains the current rates for all of our irrigation projects where we recover our costs for operation and maintenance. The table also contains the proposed rates for the 2002 season, and for the San Carlos Irrigation Project (Joint Works) and Flathead Irrigation Project the proposed rates for the 2003 season. The irrigation projects where rates are proposed for adjustment are noted by an asterisk immediately following the name of the project.

NORTHWEST REGION RATE TABLE

Project name	Rate category	Current 2001 rate	Proposed 2002 rate	Proposed 2003 rate
Flathead Irrigation Project*	Basic per acre	$19.95	$19.95	$21.45 To be Determined (See Note below).
Fort Hall Irrigation Project	Basic per acre	20.00	20.00	
Fort Hall Irrigation Project Minor Units	Basic per acre	14.00	14.00	
Fort Hall Irrigation Project* Michaud	Basic per acre	27.50	28.00	
	Pressure per acre	39.50	41.00	
Wapato Irrigation Project* Ahtanum and Simcoe units.	Billing Charge Per Tract	5.00	5.00	
	Farm unit/land tracts up to one acre (minimum charge).	10.30	10.60	
	Farm unit/land tracts over one acre—per acre.	10.30	10.60	
Wapato Irrigation Project* Satus Unit	Billing Charge Per Tract	5.00	5.00	
	Farm unit/land tracts up to one acre (minimum charge).	41.20	42.44	
	''A'' farm unit/land tracts over one acre—per acre.	41.20	42.44	
	Additional Works farm unit/land tracts over one acre—per acre.	45.32	46.68	
	''B'' farm unit/land tracts over one acre—per acre.	8.24	8.48	
	Water Rental Agreement Lands—per acre.	50.47	51.98	

Note—''To be determined,'' means that future rates will become effective only after we have published another rate notice for comments, followed by a final rate notice.

ROCKY MOUNTAIN REGION RATE TABLE

Project name	Rate category	Current 2001 rate	Proposed 2002 rate
Blackfeet Irrigation Project*	Basic-per acre	$11.00	$13.00
Crow Irrigation Project (See note below)	Basic-per acre	15.50	16.00
Fort Belknap Irrigation Project	Indian per acre	6.25	6.25
	non-Indian per acre	12.50	12.50
Fort Peck Irrigation Project	Basic-per acre	14.00	14.00
Wind River Irrigation Project	Basic-per acre	12.00	12.00

Note—The Crow Project rate adjustment was previously announced in the FEDERAL REGISTER for the 2002 irrigation season and is being provided for informational purposes only, reference Fed. Reg., Vol. 64, No. 95, Page 27003, May 18, 1999.

SOUTHWEST REGION RATE TABLE

Project name	Rate category	Current 2001 rate	Proposed 2002 rate
Pine River Irrigation Project	Minimum Charge per tract	$25.00	$25.00
	Basic-per acre	8.50	8.50

WESTERN REGION RATE TABLE

Project name	Rate category	Current 2001 rate	Proposed 2002 rate	Proposed 2003 rate
Colorado River Irrigation Project	Basic per acre up to 5.0 acre-feet.	$37.00	$37.00	To be Determined (See Note 1 below).
	Excess Water per acre foot 5.0–5.5 acre-feet.	7.40	7.40	
	Excess Water per acre-foot over 5.5 acre-feet.	17.00	17.00	
Duck Valley Irrigation Project	Basic-per acre	5.30	5.30	

WESTERN REGION RATE TABLE—Continued

Project name	Rate category	Current 2001 rate	Proposed 2002 rate	Proposed 2003 rate
Fort Yuma Irrigation Project (See Note 2 below)	Basic-per acre up to 5.0 acre-feet.	60.00	60.00	
	Excess Water per acre-foot over 5.0 acre-feet.	10.50	10.50	
San Carlos Irrigation Project (Joint Works)	Basic-per acre	20.00	20.00	20.00
San Carlos Irrigation Project (Indian Works)	Basic-per acre	56.00	56.00	
Uintah Irrigation Project	Basic-per acre	8.50	8.50	
Walker River Irrigation Project	Indian per acre	7.32	7.32	
	non-Indian per acre	15.29	15.29	

Note 1—''To be Determined'' means that future rates will become effective only after we have published another rate notice for comments, followed by a final rate notice.

Note 2—The Fort Yuma Irrigation Project is owned and operated by the Bureau of Reclamation (Reclamation). The irrigation rates assessed for operation and maintenance are established by Reclamation and are provided for informational purposes only. The BIA only collects the irrigation assessments on behalf of Reclamation.

Consultation and Coordination With Tribal Governments (Executive Order 13175)

The BIA irrigation projects are vital components of the local agriculture economy of the reservations on which they are located. To fulfill its responsibilities to the tribes, tribal organizations, water user organizations, and the individual water users, the BIA communicates, coordinates, and consults on a continuing basis with these entities on issues of water delivery, water availability, costs of administration, operation, maintenance, and rehabilitation. This is accomplished at the individual irrigation projects by Project, Agency, and Regional representatives, as appropriate, in accordance with local protocol and procedures. This notice is one component of the BIA's overall coordination and consultation process to provide notice and request comments from these entities on adjusting our irrigation rates.

Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (Executive Order 13211)

The rate adjustments will have no adverse effects on energy supply, distribution, or use (including a shortfall in supply, price increases, and increase use of foreign supplies) should the proposed rate adjustments be implemented. This is a notice for rate adjustments at BIA owned and operated irrigation projects, except for the Fort Yuma Irrigation Project. The Fort Yuma Irrigation Project is owned and operated by the Bureau of Reclamation with a portion serving the Fort Yuma Reservation.

Regulatory Planning and Review (Executive Order 12866)

These rate adjustments are not a significant regulatory action and do not need to be reviewed by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

This rate making is not a rule for the purposes of the Regulatory Flexibility Act because it is ''a rule of particular applicability relating to rates.'' 5 U.S.C. 601(2).

Unfunded Mandates Act of 1995

These rate adjustments impose no unfunded mandates on any governmental or private entity and are in compliance with the provisions of the Unfunded Mandates Act of 1995.

Takings (Executive Order 12630)

The Department has determined that these rate adjustments do not have significant ''takings'' implications. The rate adjustments do not deprive the public, state, or local governments of rights or property.

Federalism (Executive Order 13132)

The Department has determined that these rate adjustments do not have significant Federalism effects because they pertain solely to Federal-tribal relations and will not interfere with the roles, rights, and responsibilities of states.

Civil Justice Reform (Executive Order 12988)

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act of 1995

These rate adjustments do not affect the collections of information which have been approved by the Office of Information and Regulatory Affairs, Office of Management and Budget, under the Paperwork Reduction Act of 1995. The OMB Control Number is 1076–0141 and expires November 30, 2002.

National Environmental Policy Act

The Department has determined that these rate adjustments do not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370(d)).

Dated: February 21, 2002.

Neal A. McCaleb,

Assistant Secretary—Indian Affairs.

[FR Doc. 02–5624 Filed 3–7–02; 8:45 am]

BILLING CODE 4310–5M–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO640 1020 PF 24 1A]

Call for Nominations for Resource Advisory Councils

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Resource Advisory Council call for nominations.

SUMMARY: The purpose of this notice is to solicit public nominations for each of the Bureau of Land Management (BLM) Resource Advisory Councils (RACs) that have member terms expiring this year. The RACs provide advice and recommendations to BLM on land use planning and management of the public lands within their geographic areas.

Public nominations will be considered for 45 days after the publication date of this notice.

SUPPLEMENTARY INFORMATION: The Federal Land Policy and Management Act (FLPMA) directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by BLM. Section 309 of FLPMA directs the Secretary to select 10 to 15 member citizen-based advisory councils that are established and authorized consistent with the requirements of the Federal Advisory Committee Act (FACA). As required by the FACA, RAC membership must be balanced and representative of the various interests concerned with the management of the public lands. These include three categories:

Category One—Holders of federal grazing permits and representatives of energy and mineral development, timber industry, transportation or rights-of-way, off-highway vehicle use, and commercial recreation;

Category Two—Representatives of nationally or regionally recognized environmental organizations, archaeological and historic interests, dispersed recreation, and wild horse and burro groups;

Category Three—Holders of State, county or local elected office, employees of a State agency responsible for management of natural resources, academicians involved in natural sciences, representatives of Indian tribes, and the public-at-large.

Individuals may nominate themselves or others. Nominees must be residents of the State or States in which the RAC has jurisdiction. Nominees will be evaluated based on their education, training, and experience and their knowledge of the geographical area of the RAC. Nominees should have demonstrated a commitment to collaborative resource decisionmaking. All nominations must be accompanied by letters of reference from represented interests or organizations, a completed background information nomination form, as well as any other information that speaks to the nominee's qualifications.

Simultaneous with this notice, BLM State Offices will issue press releases providing additional information for submitting nominations, with specifics about the number and categories of member positions available for each RAC in the State. Nominations for RACs should be sent to the appropriate BLM offices listed below.

Arizona

Arizona RAC

Deborah Stevens, Arizona State Office, BLM, 222 N. Central Avenue, Phoenix, Arizona 85004–2203, (602) 417–9215.

California

Central California RAC

Larry Mercer, Bakersfield Field Office, BLM, 3801 Pegasus Avenue, Bakersfield, California 93308, (661) 391–6000.

Northeastern California RAC

Jeff Fontana, Eagle Lake Field Office, BLM, 2950 Riverside Drive, Susanville, California 96130, (530) 252–5332.

Northwestern California RAC

Jeff Fontana, Eagle Lake Field Office, BLM, 2950 Riverside Drive, Susanville, California 96130, (530) 252–5332.

Colorado

Front Range RAC; Southwest RAC; Northwest RAC

Sheri Bell, Colorado State Office, BLM, 2850 Youngfield Street, Lakewood, Colorado 80215, (303) 239–3671.

Idaho

Upper Columbia RAC; Upper Snake RAC; Lower Snake RAC

Jerry Rohnert, Idaho State Office, BLM, 1387 Vinnell Way, Boise, Idaho 83709, (208) 373–4017.

Montana and Dakotas

Eastern Montana RAC; Central Montana RAC; Western Montana RAC; Dakotas RAC

Jodi Weil, Montana State Office, BLM, 5001 Southgate Drive, Billings,

Montana 59101, (406) 896–5258.

Nevada

Mojave-Southern RAC; Northeastern Great Basin RAC; Sierra Front Northwestern RAC

Debra Kolkman, Nevada State Office, BLM, 1340 Financial Boulevard, Reno, Nevada 89502–7147, (775) 289–1946.

New Mexico

New Mexico RAC

Mary White, New Mexico State Office, BLM, P.O. Box 27115, Sante Fe, New Mexico 87502–0115, (505) 438–7404.

Oregon/Washington

Eastern Washington RAC; John Day/Snake RAC; Southeast Oregon RAC

Pam Robbins, Medford District Office, BLM, 3040 Biddle Road, Medford, Oregon 97504, (541) 618–2456.

Utah

Utah RAC

Sherry Foot, Utah State Office, BLM, 324 South State Street, Suite 301, P.O. Box 45155, Salt Lake City, Utah 84145–0155, (801) 539–4195.

DATES: All nominations should be received by the appropriate BLM State Office by *45 days from the publication date of this notice.*

FOR FURTHER INFORMATION CONTACT: Melanie Wilson Gore, U.S. Department of the Interior, Bureau of Land Management, Intergovernmental Affairs, MS-LS–406, Washington, DC, 20240; 202–452–0377.

Dated: February 22, 2002.

Kathleen Clarke,

Director, Bureau of Land Management.

[FR Doc. 02–5555 Filed 3–7–02; 8:45 am]

BILLING CODE 4310–84–P

INTERNATIONAL TRADE COMMISSION

[Investigation 332–441]

Probable Economic Effect of the Reduction or Elimination of Foreign Tariffs

AGENCY: International Trade Commission.

ACTION: Institution of investigation and scheduling of public hearing.

EFFECTIVE DATE: February 28, 2002.

SUMMARY: Following receipt of a request on February 11, 2002, from the United States Trade Representative (USTR), the Commission instituted investigation No. 332–441, Probable Economic Effect of the Reduction or Elimination of Foreign Tariffs, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)).

As requested by USTR, the Commission will provide advice, at the most disaggregated level feasible, on the probable economic effect on U.S. industry sectors and U.S. exports if U.S. trading partners reduce or eliminate their tariffs as a result of the WTO and FTAA negotiations. Specifically, the Commission will provide advice on the effect on U.S. exports and major U.S. agricultural and industrial sectors, as the Commission defines them, if:

- All U.S. trading partners eliminate their tariffs of 5 percent *ad valorem* or

below and reduce all other tariffs by 50 percent;
- All U.S. trading partners eliminate their tariffs; and
- All FTAA countries eliminate their tariffs.

The Commission will provide its advice on the effect of reduction or elimination of foreign tariffs no later than November 22, 2002.

FOR FURTHER INFORMATION CONTACT: Industry-specific information may be obtained from Robert Carr, Project Leader (202–205–3402), or George Serletis, Deputy Project Leader (202–205–3315), Office of Industries, U.S. International Trade Commission, Washington, DC 20436. For information on the legal aspects of this investigation, contact William Gearhart of the Office of the General Counsel (202–205–3091). The media should contact Peg O'Laughlin of the Office of External Relations (202–205–1819). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on (202) 205–1810.

Background

In his letter to the Commission, the USTR noted that the United States will enter into multilateral negotiations on market access for industrial products as called for under the WTO Ministerial Declaration issued in Doha last November. In addition, he noted that WTO negotiations on trade in agriculture are expected to intensify this year and that the United States will begin negotiations on agricultural and non-agricultural tariffs later this year as part of broader negotiations toward establishing the Free Trade Area of the Americas (FTAA).

Public Hearing

A public hearing in connection with the investigation will be held at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC, beginning at 9:30 a.m. on May 3, 2002. All persons shall have the right to appear, by counsel or in person, to present information and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436, no later than 5:15 p.m., April 17, 2002. Any prehearing briefs (original and 14 copies) should be filed not later than 5:15 p.m., April 19, 2002; the deadline for filing post-hearing briefs or statements is 5:15 p.m., May 13, 2002. In the event that, as of the close of business on April 17, 2002, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or non-participant may call the Secretary of the Commission (202–205–1806) after April 17, 2002, to determine whether the hearing will be held.

Written Submissions

In lieu of or in addition to participating in the hearing, interested parties are invited to submit written statements (original and 14 copies) concerning the matters to be addressed by the Commission in its report on this investigation. Commercial or financial information that a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked ''Confidential Business Information'' at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's rules of practice and procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available in the Office of the Secretary of the Commission for inspection by interested parties. The Commission may include some or all of the confidential business information submitted by interested parties in its report to the USTR. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted to the Commission at the earliest practical date and should be received no later than the close of business on May 13, 2002. All submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436. The Commission's rules do not authorize filing submissions with the Secretary by facsimile or electronic means.

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*.

List of Subjects WTO, FTAA, tariffs, and exports.

Issued: March 1, 2002.

By order of the Commission.

Marilyn R. Abbott,

Acting Secretary.

[FR Doc. 02–5514 Filed 3–7–02; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–439]

In the Matter of: Certain HSP Modems, Software and Hardware Components Thereof, and Products Containing Same; Notice of Decision To Extend the Target Date for Completion of the Investigation

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend by seventeen (17) days, or until March 21, 2002, the target date for the completion of the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Tim Monaghan, Esq., telephone 202–205–3152, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Copies of all nonconfidential documents filed in connection with this investigation are or will be 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 Commssion, 500 E Street SW., Washington, DC 20436, telephone 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.* Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on October 11, 2000, based on a complaint filed by PCTEL, Inc. (''PCTEL'') of Milpitas, California. The complaint named Smart Link Ltd. of Netanya, Israel and Smart Link Technologies, Inc. of Watertown, Massachusetts (collectively ''Smart Link'') and ESS Technology, Inc. (''ESS'') of Fremont California as respondents. The complaint alleged that Smart Link and ESS had violated

section 337 of the Tariff Act of 1930 by importing into the United States, selling for importation, and/or selling within the United States after importation certain HSP modems, software and hardware components thereof, and products containing the same by reason of infringement of claims 1–2 of U.S. Letters Patent 5,787,305, claims 1–4, 7–8, and 11–15 of U.S. Letters Patent 5,931,950, claims 1, 2, 10, and 15–17 of U.S. Letters Patent 4,841,561, and claims 1, 6–7, 10–12, and 15–19 of U.S. Letters Patent 5,940,459. On June 28, 2001, the Commission determined not to review an ID terminating the investigation as to respondent Smart Link on the basis of a settlement agreement.

On October 18, 2001, the ALJ issued his final ID in the investigation, and on December 6, 2001, the Commission determined to review portions of the final ID and to extend the target date for completion of the investigation by 45 days, to March 4, 2002. On Friday, February 22, 2002, complainant PCTEL and respondent ESS filed a joint motion to terminate the investigation based on a settlement agreement. The Commission determined to extend the target date for completion of the investigation until March 21, 2002, to allow sufficient time for the Commission investigative attorney to respond to the joint motion to terminate and for the Commission to rule on that motion. This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and 210.51(a) of the Commission's rules of practice and procedure, 19 CFR 210.51(a).

By order of the Commission.

Issued: March 4, 2002.

Marilyn R. Abbott,

Secretary.

[FR Doc. 02–5513 Filed 3–7–02; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–448]

In the Matter of: Certain Oscillating Sprinklers, Sprinkler Components, and Nozzles; Notice of Commission Issuance of Limited Exclusion Order and Termination of Investigation

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has issued a limited exclusion order and terminated the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Laurent de Winter, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–708–5452. Copies of the limited exclusion order and all other nonconfidential documents filed in connection with this investigation are or will be 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., Washington, DC 20436, telephone 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.* Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation, which concerns allegations of unfair acts in violation of section 337 of the Tariff Act of 1930 in the importation and sale of certain oscillating sprinklers, sprinkler components, and nozzles, on February 9, 2001. 66 FR 9721. In its complaint, filed on January 8, 2001, and amended on January 31, 2001, complainant L.R. Nelson Corp. (''Nelson'') alleged that Naan Sprinkler and Irrigation Systems, Inc., Watex International Co., Ltd., Lego Irrigation Equipment, Inc., Rain Bird Manufacturing Corporation, Gardena Krest + Kastner GmbH and Gardena's subsidiary Melnor, Inc., Ruey Ryh Enterprises Co,. Ltd., Yuan Mei Corp., Amagine Garden Inc., Aqua Star Industries Inc., Le Yuan Industrial Co. Ltd., Shin Da Spurt Water of Garden Tool Co. Ltd., and Orbit Irrigation Products, Inc. violated section 337 through the importation, sale for importation, and/or sale within the United States after importation of certain oscillating sprinklers, sprinkler components, and nozzles by reason of infringement of certain claims of U.S. Letters Patent Nos. 6,036,117 (''the '117 patent''), 5,645,218 (''the '218 patent''), and 5,511,727 (''the '727 patent'').

On May 3, 2001, complainant Nelson moved, pursuant to 19 U.S.C. 1337(g)(1) and Commission rule 210.16, for an order to show cause why respondent Watex International Co., Ltd. (''Watex'') should not be found in default for failing to respond adequately and properly to the amended complaint and notice of investigation, as required by Commission rule 210.13. The Commission investigative attorney (''IA'') supported complainant's motion to the extent that it requested an order to show cause against Watex. The presiding administrative law judge (''ALJ'') issued an ID (Order No. 4) on March 30, 2001, directing Watex to show cause why it should not be found in default. Watex did not respond to the show cause order.

On May 22, 2001, the ALJ issued an ID (Order No. 7) finding Watex in default pursuant to Commission rule 210.16, and ruling that it had waived its rights to appear, to be served with documents, and to contest the allegations at issue in the investigation. No petitions for review of the ID were filed. On June 12, 2001, the Commission determined not to review the ID, thereby allowing it to become the Commission's final determination.

On September 13, 2001,Nelson moved to withdraw all allegations related to the '117 patent from the investigation. No party responded to Nelson's motion and the IA supported the motion. On September 25, 2001, the ALJ issued an ID (Order No. 26) granting the motion to withdraw the allegations relating to the '117 patent, and on October 26, 2001, the Commission determined not to review that ID. This withdrawal terminated the investigation with respect to all respondents except Watex.

On October 1, 2001, Nelson filed a declaration seeking, pursuant to section 337(g)(1) and Commission rule 210.16(c)(1), entry of a limited exclusion order against Watex barring importation into the United States of Watex sprinklers infringing the claims in issue of the '218 and '727 patents. In its declaration, Nelson did not seek issuance of a cease and desist order against Watex. On December 11, 2001, the Commission issued a notice requesting briefing on the issues of remedy, public interest, and bonding. On January 10, 2002, Nelson, the IA, and Tekni-Plex, Inc., a purchaser of Watex sprinklers, submitted briefing on the issues of the public interest and bonding and proposed limited exclusion orders. No briefs were filed by any other person or government agency. Only the IA filed a reply brief.

Section 337(g)(1) of the Tariff Act of 1930 provides that the Commission shall presume the facts alleged in a complaint to be true, and upon request issue a limited exclusion order and/or cease and desist order if: (1) A complaint is filed against a person under section 337, (2) the complaint and

a notice of investigation are served on the person, (3) the person fails to respond to the complaint and notice or otherwise fails to appear to answer the complaint and notice, (4) the person fails to show good cause why it should not be found in default, and (5) the complainant seeks relief limited to that person. Such an order shall be issued unless, after considering the effect of such exclusion, the Commission finds that such exclusion should not be issued.

The Commission found that each of the statutory requirements for the issuance of a limited exclusion order was met with respect to defaulting respondent Watex. The Commission further determined that the public interest factors enumerated in section 337(g)(1) did not preclude the issuance of such relief. Finally, the Commission determined that bond under the limited exclusion order during the Presidential review period shall be in the amount of one hundred (100) percent of the entered value of the imported articles.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and § 210.16 of the Commission's rules of practice and procedure, 19 CFR 210.16.

By order of the Commission.

Issued: March 4, 2002.

Marilyn R. Abbott,

Secretary.

[FR Doc. 02–5512 Filed 3–7–02; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–413 and 731–TA–913–916 and 918 (Final)]

Stainless Steel Bar From France, Germany, Italy, Korea, and the United Kingdom

Determinations

On the basis of the record[1] developed in the subject investigations, the United States International Trade Commission determines, pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. § 1671d(b))(the Act), that an industry in the United States is materially injured by reason of imports from Italy of stainless steel bar, provided for in subheadings 7222.11.00, 7222.19.00, 7222.20.00, and 7222.30.00 of the Harmonized Tariff Schedule of the United States (HTS), that have been found by the Department of Commerce to be subsidized by the Government of Italy.

The Commission also determines, pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)), that an industry in the United States is materially injured by reason of imports from France, Germany, Italy, Korea, and the United Kingdom of stainless steel bar, provided for in the HTS subheadings listed above, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted these investigations effective December 28, 2000, following receipt of a petition filed with the Commission and Commerce by Carpenter Technology Corp. (Wyomissing, PA); Crucible Specialty Metals (Syracuse, NY); Electralloy Corp. (Oil City, PA); Empire Specialty Steel, Inc. (Dunkirk, NY); Slater Steels Corp., Specialty Alloys Division (Fort Wayne, IN); and the United Steelworkers of America, AFL–CIO/CLC (Pittsburgh, PA). The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce certain imports of stainless steel bar from Italy were being subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and that certain imports of stainless steel bar from France, Germany, Italy, Korea, and the United Kingdom were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)).[2] Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of September 17, 2001 (66 FR 48063).[3] The hearing was held in Washington, DC, on January 17, 2002, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on February 28, 2002. The views of the Commission are contained in USITC Publication 3488 (February 2002), entitled Stainless Steel Bar from France, Germany, Italy, Korea, and the United Kingdom: Investigation No. 701–TA–413 (Final) and Investigations Nos. 731–TA–913–916 and 918 (Final).

Issued: March 4, 2002.

By order of the Commission.

Marilyn R. Abbott

Acting Secretary.

[FR Doc. 02–5615 Filed 3–7–02; 8:45 am]

BILLING CODE 7020–02–M

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Investigation No. 731–TA–917 (Final), concerning stainless steel bar from Taiwan, was terminated effective January 23, 2002 (67 FR 4745, January 31, 2002), consequent to Commerce's final negative LTFV determination with respect to Taiwan (67 FR 3152, January 23, 2002).

[3] The Commission published notice of its revised schedule on November 20, 2001 (66 FR 58162).

INTERNATIONAL TRADE COMMISSION

[Investigation 332–440]

Probable Economic Effect of the Reduction or Elimination of U.S. Tariffs

AGENCY: International Trade Commission.

ACTION: Institution of investigation and scheduling of public hearing.

EFFECTIVE DATE: February 28, 2002.

SUMMARY: Following receipt of a request on February 11, 2002, from the United States Trade Representative (USTR), the Commission instituted investigation No. 332–440, Probable Economic Effect of the Reduction or Elimination of U.S. Tariffs, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)).

As requested by USTR, the Commission will provide advice as to the probable economic effect on U.S. industries producing like or directly competitive articles and on consumers of:

- Eliminating U.S. tariffs of 5 percent ad valorem or below on dutiable imports from all U.S. trading partners and reducing all other U.S. tariffs by 50 percent;
- Eliminating U.S. tariffs on all dutiable imports from all U.S. trading partners; and
- Eliminating U.S. tariffs on all dutiable imports from FTAA countries.

The import analysis will consider each article in chapters 1 through 97 of the Harmonized Tariff Schedule of the United States for which tariffs will remain after the United States fully implements its Uruguay Round tariff commitments. The import advice will be based on the 2002 Harmonized Tariff System nomenclature and 2000 trade data. The report will identify the five largest sources of dutiable imports (including import values) for each article under the scenarios identified above. The Commission will provide its advice on the effect of reduction or elimination of U.S. tariffs no later than August 9, 2002.

FOR FURTHER INFORMATION CONTACT: Industry-specific information may be obtained from Robert Carr, Project Leader (202–205–3402), or George Serletis, Deputy Project Leader (202–205–3315), Office of Industries, U.S. International Trade Commission, Washington, DC, 20436. For information on the legal aspects of this investigation, contact William Gearhart of the Office of the General Counsel (202–205–3091). The media should contact Peg O'Laughlin of the Office of External Relations (202–205–1819). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on (202) 205–1810.

Background

In his letter to the Commission, the USTR noted that at the November 14, 2001, WTO Ministerial Conference in Doha, Qatar, the United States and other WTO members agreed to launch new multilateral negotiations. The new WTO agenda will include negotiations on agriculture mandated under the Agreement Establishing the World Trade Organization. In addition, the letter noted that at the Quebec City Summit of the Americas last April, leaders of the Western Hemisphere democracies called for the conclusion of the Free Trade Area of the Americas (FTAA) by no later than January 1, 2005; and that negotiations on agricultural and industrial tariffs in the FTAA will be initiated this year.

Public Hearing

A public hearing in connection with the investigation will be held at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC, beginning at 9:30 a.m. on May 1, 2002. All persons shall have the right to appear, by counsel or in person, to present information and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436, no later than 5:15 p.m., April 17, 2002. Any prehearing briefs (original and 14 copies) should be filed not later than 5:15 p.m., April 19, 2002; the deadline for filing post-hearing briefs or statements is 5:15 p.m., May 10, 2002. In the event that, as of the close of business on April 17, 2002, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or non-participant may call the Secretary of the Commission (202–205–1806) after April 17, 2002, to determine whether the hearing will be held.

Written Submissions

In lieu of or in addition to participating in the hearing, interested parties are invited to submit written statements (original and 14 copies) concerning the matters to be addressed by the Commission in its report on this investigation. Commercial or financial information that a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked ''Confidential Business Information'' at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available in the Office of the Secretary of the Commission for inspection by interested parties. The Commission may include some or all of the confidential business information submitted by interested parties in its report to the USTR. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted to the Commission at the earliest practical date and should be received no later than the close of business on May 10, 2002. All submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436. The Commission's rules do not authorize filing submissions with the Secretary by facsimile or electronic means.

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.*

List of Subjects

WTO, FTAA, tariffs, and imports.

Issued: March 4, 2002.

By order of the Commission.

Marilyn R. Abbott,

Secretary.

[FR Doc. 02–5614 Filed 3–7–02; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Partial Consent Decrees Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on February 15, 2002, two proposed partial consent decrees in *United States* v. *ABC Compounding Co. et al.,* Civil Action No. 1:02–cv–291–RLV, were lodged with the United States District Court for the Northern District of Georgia.

In this action the United States sought under section 107(a) of CERCLA, 42 U.S.C. 9607(a), the recovery of past response costs with respect to the Murphy Avenue Drum Site, located at 1230 Murphy Avenue in Atlanta, Fulton County, Georgia. The defendants in the action are ABC Compounding Co., Davis Manufacturing and Packaging, Inc., Henkel Corporation, Hill Manufacturing Co., Inc., Southern Industrial Chemicals, Inc. (aka ''SIC Technologies, Inc.'' or ''SIC''), and Union Carbide Corporation. Together, the two partial consent decrees resolve claims for past response costs at the Site against all defendants. Under the first partial consent decree, all defendants other than SIC have agreed to pay $465,000 to the Superfund toward EPA's past response costs. The second partial consent decree is an ability-to-pay settlement under which SIC has agreed to pay $12,000 to the Superfund in four quarterly installments.

The Department of Justice will receive comments relating to the proposed consent decrees for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *ABC Compounding Co. et al.,* DJ # 90–11–3–07393.

The proposed consent decrees may be examined at the office of the United States Attorney for the Northern District of Georgia, 1800 U.S. Courthouse, 75 Spring Street, SW, Atlanta, GA 30335, and at the Region 4 office of the Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, Atlanta, GA 30303. A copy of the proposed consent decrees may also be obtained by mail from the Consent Decree Library, PO. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, or by faxing a request to Tonia Fleetwood, fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy, please enclose a check in the amount of $9.50

(25 cents per page reproduction cost) payable to the U.S. Treasury. The check should refer to *United States* v. *ABC Compounding Co. et al.,* DJ # 90–11–3–07393.

Ellen M. Mahan,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 02–5543 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Office of the Attorney General

[OAG 103P; A.G. Order No. 2563–2002]

RIN 1105–AA81

Guidelines for the Campus Sex Crimes Prevention Act Amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act

AGENCY: Department of Justice.

ACTION: Proposed guidelines.

SUMMARY: The United States Department of Justice is publishing Proposed Guidelines to implement an amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act enacted by the Campus Sex Crimes Prevention Act.

DATES: Comments must be received by May 7, 2002.

ADDRESSES: Comments may be mailed to David J. Karp, Senior Counsel, Office of Legal Policy, Room 4503, Main Justice Building, 950 Pennsylvania Avenue, NW, Washington, DC 20530.

SUPPLEMENTARY INFORMATION: Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103–322, 108 Stat. 1796, 2038 (codified at 42 U.S.C. 14071) contains the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (the ''Wetterling Act''). The Wetterling Act sets minimum national standards for state sex offender registration and community notification programs, and directs the Attorney General to issue guidelines for such programs. The current Wetterling Act guidelines were published on January 5, 1999, in the **Federal Register** (64 FR 572, with corrections at 64 FR 3590). States that fail to comply with the Wetterling Act's requirements (as implemented and explained in the Attorney General's guidelines) are subject to a mandatory 10% reduction of the formula grant funding available under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program (42 U.S.C. 3756), which is administered by the Bureau of Justice Assistance of the Department of Justice.

Subsequent to the publication of the current Wetterling Act guidelines, the Wetterling Act was amended by the Campus Sex Crimes Prevention Act (the ''CSCPA''), Pub. L. 106–386, div. B, § 1601, 114 Stat. 1464, 1537 (2000). The CSCPA provides special requirements relating to registration and community notification for sex offenders who are enrolled in or work at institutions of higher education. These supplementary guidelines are necessary to take account of the CSCPA amendment to the Wetterling Act. The deadline for state compliance with the CSCPA amendment is October 27, 2002.

Proposed Guidelines

The CSCPA provisions appear in subsection (j) of the Wetterling Act (42 U.S.C. 14071(j)). As provided in subsection (j), any person required to register under a state sex offender registration program must notify the state concerning each institution of higher education (i.e., post-secondary school) in the state at which the person is a student or works, and of each change in enrollment or employment status of the person at such an institution. States can comply with the Wetterling Act's requirements concerning these registrants, in part, by: (1) Advising registrants concerning these specific obligations when they are generally advised of their registration obligations, as discussed in part II.A of the January 5, 1999, Wetterling Act guidelines (64 FR 572, 579), (2) including in the registration information obtained from each registrant information concerning any expected enrollment or employment at an institution of higher education in the state, and (3) establishing procedures for registrants to notify the state concerning any subsequent commencement or termination of enrollment or employment at such an institution. The failure of a registrant to notify the state concerning enrollment or employment at an institution of higher education or the termination of such enrollment or employment would constitute a failure to register or keep such registration current for purposes of subsection (d) of the Wetterling Act (42 U.S.C. 14071(d)), and must be subject to criminal penalties as provided in that subsection.

Under the requirements of subsection (j) of the Wetterling Act, state procedures must also ensure that information concerning a registrant enrolled or working at an institution of higher education is promptly made available to a law enforcement agency having jurisdiction where the institution is located, and entered into the appropriate state records or data system. This requirement applies both to any information initially obtained from registrants concerning enrollment or employment at institutions of higher education in the state, and information concerning subsequent changes in such enrollment or employment status.

Subsection (j)'s requirement to promptly make the information available to a law enforcement agency having jurisdiction where the institution is located is supplementary to the requirement under subsection (b)(2)(A) and (4) of the Wetterling Act (42 U.S.C. 14071(b)(2)(A), (4)) to promptly make information concerning registrants available to a law enforcement agency having jurisdiction where the registrant resides. The legislative history of the Campus Sex Crimes Prevention Act explains subsection (j)'s requirement as follows:

> Once information about an offender's enrollment at, or employment by, an institution of higher education has been provided to a state's sex offender registration program, that information should be shared with that school's law enforcement unit as soon as possible.
>
> The reason for this is simple. An institution's law enforcement unit will have the most direct responsibility for protecting that school's community and daily contact with those that should be informed about the presence of the convicted offender.
>
> If an institution does not have a campus police department, or other form of state recognized law enforcement agency, the sex offender information could then be shared with a local law enforcement agency having primary jurisdiction for the campus.
>
> 146 Cong. Rec. S10216 (Oct. 11, 2000) (remarks of Senator Kyl).

Thus, if an institution of higher education has a campus police department or other form of state recognized law enforcement agency, state procedures must ensure that information concerning the enrollment or employment of registrants at that institution (and subsequent changes in registrants' enrollment or employment status) is promptly made available to the campus police department or law enforcement agency. If there is no such department or agency at the institution, then state procedures must ensure that this information is promptly made available to some other law enforcement agency having jurisdiction where the institution is located. Regardless of whether an institution of higher education has its own law enforcement unit, the Wetterling Act does not limit the discretion of states to make information concerning registrants enrolled or working at the institution

available to other law enforcement agencies as well.

The language of subsection (j) refers specifically to any registrant who ''is employed, carries on a vocation, or is a student'' at an institution of higher education in the state. These terms have defined meanings set forth in subsection (a)(3)(F)–(G) of the Wetterling Act (42 U.S.C. 14071(a)(3)(F)–(G)). In light of these definitions, the registrants to whom the requirements of subsection (j) apply are those who: (1) Are enrolled in any institution of higher education in the state on a full-time or part-time basis, or (2) have any sort of full-time or part-time employment at an institution of higher education in the state, with or without compensation, for more than 14 days, or for an aggregate period exceeding thirty days in a calendar year.

The CSCPA provisions in subsection (j) of the Wetterling Act are supplementary to, and do not limit or supersede, the provisions in subsection (b)(7)(B) of the Wetterling Act that require states to accept registration information from offenders who reside outside a state but come into the state in order to work or attend school. Subsection (b)(7)(B) applies only to non-resident workers and students, but it is not limited in scope to those who work at or attend institutions of higher education (as opposed to other places of employment or schools). The requirements under subsection (b)(7)(B) are explained in part of V.B.2 of the January 5, 1999, Wetterling Act guidelines (64 FR 572, 585).

The CSCPA's effective date for its amendment to the Wetterling Act is two years after enactment. States accordingly have until October 27, 2002, to come into compliance with subsection (j) of the Wetterling Act. States that fail to come into compliance within the specified time period will be subject to a mandatory 10% reduction of Byrne Formula Grant funding, and funds that are not allocated to noncomplying states will be reallocated to states that are in compliance.

If a state's funding is reduced because of a failure to comply with the CSCPA amendment to the Wetterling Act or other Wetterling Act requirements by an applicable deadline, the state may regain eligibility for full funding in later program years by establishing compliance with all applicable requirements of the Wetterling Act in such later years.

States are encouraged to submit information concerning existing and proposed sex offender registration provisions relating to compliance with the CSCPA amendment with as much lead-time as possible. This will enable the reviewing authority to assess the status of state compliance with the CSCPA provisions and to suggest any necessary changes to achieve compliance before the funding reduction goes into effect. At the latest, states should aim to submit to the Bureau of Justice Assistance by August 27, 2002, information that shows compliance with the requirements of subsection (j) of the Wetterling Act. After the reviewing authority has determined that a state is in compliance with the Wetterling Act, the state has a continuing obligation to maintain its system's consistency with the Wetterling Act's standards, and will be required as part of the Byrne Formula Grant application process in subsequent program years to certify that the state remains in compliance with the Wetterling Act.

These guidelines relate solely to the provisions of the CSCPA that amended the Wetterling Act, and hence affect state eligibility for full Byrne Grant funding. In addition to adding subsection (j) to the Wetterling Act, the CSCPA amended federal education laws to ensure the availability to the campus community of information concerning the presence of registered sex offenders. Explanation for these provisions will be provided in regulations issued by the Department of Education.

As noted above, the general guidelines for the Wetterling Act were published on January 5, 1999, and appear at 64 FR 572. The new CSCPA provisions in subsection (j), which these supplementary guidelines address, are only one part of the Wetterling Act. States must comply with all of the Wetterling Act's requirements in order to maintain eligibility for full Byrne Grant funding.

Dated: March 1, 2002.

John Ashcroft,

Attorney General.

[FR Doc. 02–5509 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–19–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Die Products Consortium (''DPC'')

Notice is hereby given that, on February 1, 2002, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Die Products Consortium (''DPC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Agere Systems, Allentown, PA; and LSI Logic Corp., Milpitas, CA have been added as parties to this venture. Also, Cypress Semiconductor Corporation, San Jose, CA; Lucent Technologies, Inc., Murray Hill, NJ; Packard-Hughes Interconnect, Irvine, CA; and Rockwell Collins, Inc., Cedar Rapids, IA have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and DPC intends to file additional written notification disclosing all changes in membership.

On November 15, 1999, DPC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 26, 2000 (65 FR 39429).

The last notification was filed with the Department on February 7, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 8, 2001 (66 FR 13969).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–5534 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—the Digital Subscribe Line Forum

Notice is hereby given that, on October 9, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), The Digital Subscriber Line Forum (''DSL'') filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, 186k Ltd., Reading, Berkshire, UNITED KINGDOM; ACACIA, Saint-Peray, FRANCE; Celestix Networks, Fremont, CA; CopperCom, Boca Raton, FL;

Fraunhofer-ESK, Munich, GERMANY; Future Communications Software, San Jose, CA; ITI Limited, Bangalore, INDIA; and Vina Technologies, Newark, CA, have been added as parties to this venture. Also, Sphere Communications, Lake Bluff, IL, has been dropped as a party to this venture.

In addition, Admit Design Systems is now called Admit Systems, Dalgety, Fife, UNITED KINGDOM; and Agilent Interoperability Certification Labs is not called Agilent Technologies, San Jose, CA.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and DSL intends to file additional written notifications disclosing all changes in membership.

On May 15, 1995, DSL filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 25, 1995 (60 FR 38058).

The last notification was filed with the Department on July 24, 2001. A notice for this filing has not yet been published in the **Federal Register**.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–5531 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Ethernet in the First Mile Alliance

Notice is hereby given that, on January 16, 2002, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Ethernet in the First Mile Alliance (''EFMA'') filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are Accton Technology Corp., Hsinchu. TAIWAN; Alloptic, Inc., Livermore, CA; Cisco Systems, San Jose, CA; Elastic Networks, Alpharetta, GA; Ericsson Telecom AB, Plano, TX; Extreme Networks, Pleasanton, CA; Finisar Corporation, Sunnyvale, CA; Intel, Santa Clara, CA; Nippon Telegraph and Telephone Corp., Chiba, JAPAN; and World Wide Packets, Veradale, WA. The nature and objectives of the venture are to promote standard-based Ethernet in the First Mile technology and to encourage the utilization and implementation of Ethernet in the First Mile key networking technology for connectivity of various computing, data, and telecommunications devices.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–5541 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—IMS Global Learning Consortium, Inc.

Notice is hereby given that, on January 30, 2002, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), IMS Global Learning Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, GIUNTI Interactive Labs S.r.l., Genoa, ITALY; and Open Iniversiteit, Nederland, THE NETHERLANDS have been added as parties to this venture. Also, National Institute of Standards and Technology (NIST), Gaithersburg, MD; University System of Maryland, Adelphi, MD; Prometheus, Washington, DC; Pearson Education, Reading, MA; and Unext, Deerfield, IL have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and IMS Global Learning Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On April 7, 2000, IMS Global Learning Consortium, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on September 13, 2000 (65 FR 55283).

The last notification was filed with the Department on October 11, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on December 5, 2001 (66 FR 63258).

Constance K. Robinson,

Director of Operations Antitrust Division.

[FR Doc. 02–5529 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—J Consortium, Inc.

Notice is hereby given that, on January 30, 2002, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), J Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Chess, Haarlem, THE NETHERLANDS; INFOCOMM, Edgewater, NJ; Neil Acantilado (individual member), San Diego, CA; Junisha Anderson (individual member), Santa Clara, CA; Jean-Bernard Blanchet (individual member), Paris, FRANCE; Jacky Boscher (individual member), Bretagne, FRANCE; Bruce Carothers (individual member), Corte Maders, CA; Jimmy Brian Christanthio (individual member), Singapore, SINGAPORE; Jimmy Creyland (individual member), Linkoping, SWEDEN; Ingbert Krannich (individual member), Bavaria, GERMANY; Mauro Marcelo Mattos (individual member), Blumenau, BRAZIL; Ramon Piedrafita Moreno (individual member), Zaragoza, SPAIN; Ted Powers (individual member), Arlington Heights, IL; Lokasani Venkata Reddy (individual member), Hyderabad, INDIA; and Edward J. Rhodes (individual member), Burlington, MA have been added as parties to this venture.

Also, Jmchen, Zhejiang, PEOPLE'S REPUBLIC OF CHINA; Wangzhi, Zhejiang, PEOPLE's REPUBLIC OF CHINA; and Steve Chaloner, UK Ministry of Defense, Wiltshire, England, UNITED KINGDOM have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and J Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On August 9, 1999, J Consortium, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 21, 2000 (65 FR 15175).

The last notification was filed with the Department on October 9, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on November 13, 2001 (66 FR 56863).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–5535 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Storage Industry Consortium—Heat Assisted Magnetic Recording (''HAMR'')

Notice is hereby given that, on January 8, 2002, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), National Storage Industry Consortium (''NSIC'') has filed written notifications on behalf of a joint research and development venture with Heat Assisted Magnetic Recording (''HAMR'') simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are Seagate Technology LLC, Scotts Valley, CA; Advanced Research Corporation, Minneapolis, MN; MEMS Optical, Inc., Huntsville, AL; and NSIC, San Diego, CA. The following universities have joined NSCI–HAMR as university associate members: Carnegie Mellon University, Pittsburgh, PA; and The Arizona Board of Regents on behalf of The University of Arizona, Tucson, AZ. The nature and objectives of the venture are to develop and demonstrate materials, optical and magnetic components, and engineering modeling tools for a novel means of overcoming the superparamagnetic limit in magnetic recording, enabling increases in storage densities to one trillion bits per square inch and beyond.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–5539 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Nuvera Fuel Cells, Inc.

Notice is hereby given that, on January 15, 2002, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Nuvera Fuel Cells, Inc., has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are Nuvera Fuel Cells, Inc., Cambridge, MA; and H-Power Corporation, Belleville, NJ. The nature and objective of the venture is to develop and demonstrate a Propane Fueled Fuel Cell Power System for Telecommunications Applications.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–5542 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Portland Cement Association

Notice is hereby given that, on January 30, 2002, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Portland Cement Association (''PCA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Holnam Inc., Dundee, MI has changed its name to Holcim (US) Inc.; CP Recycling & Affiliated Co., Muskegon, MI has changed its name to Chryso, Inc.; and Westvaco Corporation, Charleston Heights, SC has resigned as an Associate Member.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and PCA intends to file additional written notification disclosing all changes in membership.

On January 7, 1985 PCA filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on February 5, 1985 (50 FR 5015).

The last notification was filed with the Department on October 16, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on December 5, 2001 (66 FR 63260).

Constance K. Robinson,

Director of Operations Antitrust Division.

[FR Doc. 02–5536 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Salutation Consortium, Inc.

Notice is hereby given that, on February 6, 2002, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Salutation Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Dou Wen (individual member), Changsha, Hunan, PEOPLE'S REPUBLIC OF CHINA has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research

project remains open, and Salutation Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On March 30, 1995, Salutation Consortium, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 27, 1995 (60 FR 33233).

The last notification was filed with the Department on August 24, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on October 4, 2001 (66 FR 50683).

Constance K. Robinson,

Director of Operations Antitrust Division.

[FR Doc. 02–5537 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Semiconductor Equipment and Materials International (''SEMI'')

Notice is hereby given that, on January 8, 2002, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Semiconductor Equipment and Materials International (''SEMI'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are Semiconductor Equipment and Materials International, San Jose, CA; Domainlogix, Austin, TX; ILS Technologies, Charlotte, NC; Oceana Sensor Technologies, Virginia Beach, VA; and Advanced Micro Devices, Sunnyvale, CA. The nature and objectives of the venture are to conduct research on and develop an eManufacturing Security Framework to improve semiconductor manufacturing productivity.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–5532 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Spray Drift Task Force

Notice is hereby given that, on January 28, 2002, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the Spray Drift Task Force has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in the membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Dow AgroSciences, L.L.C., Zionsville, IN aquired the membership formerly held by Rohm and Haas, Philadelphia, PA, in an asset purchase of Rohm and Haas's crop protection business, and subsequently transferred that membership to Gowan Company, Yuma, AZ. Also, Syngenta Crop Protection Corp., Greensboro, NC has transferred the membership formerly held by Zeneca, Inc., Wilmington, DE to Chemical Products Technologies, L.L.C., Cartersville, GA.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and the Spray Drift Task Force intends to file additional written notification disclosing all changes in membership.

On May 15, 1990, the Spray Drift Task Force filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 5, 1990 (55 FR 27701).

The last notification was filed with the Department on July 20, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the act on August 15, 2001 (66 FR 42877).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–5540 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Telemanagement Forum

Notice is hereby given that, on December 3, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Telemanagement Forum (''the Forum'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Ipsaris, Chertsey, UNITED KINGDOM; Dorado Software, Folsom, CA; Intelliden, Inc., Colorado Springs, CO; Hellenic Telecoms Organization, Maroussi-Athens, GREECE; Edgeflow, Kannta, Ontario, CANADA; Alidian Networks, San Jose, CA; Lynx Photonic Networks, Rosh Ha'Ayin, ISRAEL; Rate Integration, McLean, VA; US Interactive, Cupertino, CA; IPDR.Org., Friday Harbor, WA; OEFEG, Vienna, AUSTRIA; RMG, Inc., Basking Ridge, NJ; Sybase, Inc., Emeryville, CA; Support.com, Redwood City, CA; Danet GMBH, Darmstadt, GERMANY; Celox Networks, Inc., South Borough, MA; Chiaro Networks, Inc., Richardson, TX; Cvidiya Networks, Inc., Tel Aviv, ISRAEL; Czech Telecom a.s.-Imaginet, o.z., Prague, CZECH REPUBLIC; Enition S.A., Issy Les Noulineaux, FRANCE; Intamission Ltd., Windsor, Berkshire, UNITED KINGDOM; Netcracker, Waltham, MA; Parc Technologies Ltd., London, UNITED KINGDOM; Sasktel International, Regina, Saskatchewan, CANADA; Senito Networks, Rockville, MD; Softalia, Inc., Chantilly, VA; Qcom, Inc., Marlboro, NJ; NTT Comware Corporation, Chiba, JAPAN; KT ICOM, Seoul, REPUBLIC OF KOREA; National Communication System, Arlington, VA; Stratecast Partners, Chico, CA; Accelight Networks, Ottawa, Ontario, CANADA; AFN Communications, Tulsa, OK; Aran Technology, Dublin, IRELAND; Innovance Networks, Ottawa, Ontario, CANADA; Movaz Network, Inc., Norcross, GA; Solid, Mountain View, CA; Yotta Networks, Inc., Plano, TX; St. Petersburg University of Telecommunications, St. Petersburg, RUSSIA; Satyam Computer Services Ltd., Alpharetta, GA; SAIC Limited, London, UNITED KINGDOM; Concept Wave Software, Mississauga, Ontario,

CANADA; Coriolis Networks, Boxboro, MA; Extreme Networks, Pleasanton, CA; Skyoptix, Red Bank, NJ; City of Toronto, Toronto, Ontario, CANADA; Credit Suisse First Boston, San Francisco, CA; ZTE Technology Center, Shenzhen, PEOPLES REPUBLIC OF CHINA; Axxessit ASA, Bergen, NORWAY; Tertio Telecommunications, London, UNITED KINGDOM; Polaris Networks, San Jose, CA; Tim Peru S.A.C., Lima, PERU; Four Corners Telecommunication Corporation, Overland Park, KS; Bauer & Partner AG, The Business and Technology Group Europe, Neuss, GERMANY; Ovum Limited, London, UNITED KINGDOM; Swanson Consulting Inc., Mountainville, NY and Trinity College Dublin, Dublin, IRELAND have been added as parties to this venture.

Also, the following existing members have changed their names: Watchmark Limited is now called Watchmark Corporation, Bellevue, WA; Tibco/Inconcert is now called Tibco Software Inc., Cambridge, MA; DERA is now called QinetiQ, Farnborough, Hampshire, UNITED KINGDOM; Renaissance Strategy is now called Adventis Corporation, San Francisco, CA; GTS is now called Ebone Network Services, Hoeilaart, BELGIUM; Vodafone Airtouch plc is now called Vodaphone Group, Newbury, Berkshire, UNITED KINGDOM; Amdocs (Israel) Limited is now called Amdocs Ltd., Raanana, ISRAEL; Brokat is now called Blaze Advisor, Falls Church, VA; GMD FOKUS is now called Fraunhofer FOKUS, Berlin, GERMANY; and Business Management Group is now called Getronics Consulting BV, Utrecht, THE NETHERLANDS.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and the Forum intends to file additional written notifications disclosing all changes in membership.

On October 21, 1988, the Forum filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on December 8, 1988 (53 FR 49615).

The last notification was filed with the Department on June 6, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on October 15, 2001 (66 FR 52452).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–5530 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—VSI Alliance

Notice is hereby given that, on January 15, 2002, pursuant to section 6(a) of the National Cooperative Research and Production Act of 2993, 15 U.S.C. 4301 *et seq.* (''the Act''), VSI Alliance has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, ATRI Technologies, Inc., Markham, Ontario, CANADA; Claudio Costi (individual member), Calgary, Alberta, CANADA; Magic Ge (individual member), Shanghai, PEOPLE'S REPUBLIC OF CHINA; Lateral Sands, West Perth, Western Australia, AUSTRALIA; Tsung Lee (individual member). Kao-Hsiung, TAIWAN; Piiri Technologies Oy, Oulu, FINLAND; Robert Bosch GmbH, Reutlingen, GERMANY; Thales Group, Gennevilliers, FRANCE; James R. Tobias (individual member), San Jose, CA; Paxonet Communications, Pune, Maharashtra, INDIA; and Teleraty Systems, Inc., Sunnyvale, CA have been added as parties to this venture.

Also, ChipLogic, Inc., Santa Clara, CA; Chronology Corp., Redmond, WA; Cogency Semiconductor, Inc., Toronto, Ontario, CANADA; Duolog Technologies LTD, Dublin, IRELAND; eSilicon Corp., Palo Alto, CA; Experience First, Inc., San Jose, CA: Hantro Products Oy, Oulu, FINLAND; KITAL—Korean Institute of Technology, Seoul, REPUBLIC OF KOREA; Timothy O'Donnell (individual member), Los Gatos, CA: SIDSA—Design Tech. Dept., Madrid, SPAIN; Silicon Automation Systems Limited, Karnataka, INDIA; SOCIP Group of Korea, Seoul, REPUBLIC OF KOREA; Synad Technologies Ltd., Reading, England, UNTIED KINGDOM; CG CorEl Logic Systems, Pune, Maharashtra, INDIA; and HGS Engineering, Inc., Sunnyvale, CA have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and VSI Alliance intends to file additional written notification disclosing all changes in membership.

On November 29, 1996, VSI Alliance filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 4, 1997 (62 FR 9812).

The last notification was filed with the Department on October 12, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on December 5, 2001 (66 FR 63259).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–5533 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Wireless Application Protocol Forum, Ltd.

Notice is hereby given that, on November 20, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Wireless Application Protocol Forum, Ltd. (''WAP'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Research in Motion Limited, Waterloo, Ontario, CANADA; and XFERA Moviles S.A., Madrid, SPAIN have been added as parties to this venture. Schlumberger Systems, Montrouge, FRANCE has acquired Sema Group, Toronto, Ontario, CANADA. Telecommunications Systems, Inc., Annapolis, MD has acquired XYPoint, Seattle, WA. Comverse Network, Wakefield, MA has changed its name to Comverse; Dr. Materna GmbH, Dortmund, GERMANY has changed its name to Materna Information & Communications; Mitsubishi Wireless Comm., Nanterre Cedex, FRANCE has changed its name to Mitsubishi Electric Telecom; IntraNet Solutions, Inc., Eden Prarie, MN has change its name to Stellent, Inc.; and Zuercher Kantonalbank, Zurich, SWITZERLAND has changed its name to Zurich Cantonalbank. Also, 3ui.com Pte Ltd, Singapore, SINGAPORE; A.A.T. Analysis Automation trading S.r.l,

Florence, ITALY; Acer Communication & Multimedia Inc., Taipei, TAIWAN; Adam Comsof Ltd., Mumbai, INDIA; ADC, San Jose, CA; AddTrust AB, Malmo, SWENDEN; Adeptra Limited, Reading, Berkshire, UNITED KINGDOM; Altis Consulting Ltd, Thatcham, Berkshire, UNITED KINGDOM; AOL Europe, London, UNITED KINGDOM; AsiaInfo Holdings, Inc., Santa Clara, CA; Basic Six Integration, LLC, Palo Alto, CA; Bidhit.com, Inc., Kirkland, WA; Bowstreet Software, Inc., Portsmouth, NH; CCL/ITRI, Chutung, Hsinchu, TAIWAN; Cellmania, Inc., Mountain View, CA; Citigroup, Los Angeles, CA; Commtouch, Inc., Netanya, ISRAEL; Connect Austria, Vienna AUSTRIA; CR2 Limited, Dublin, IRELAND; CT Motion, Rosh Ha'ayin, ISRAEL; Dennotai, Co., Ltd., Tokyo, JAPAN; eDispatch.com Wireless Data Inc., Burnaby, British Columbia, CANADA; Eircell Plc 2000, Dublin, IRELAND; Entra Data AB, Stockholm, SWEDEN; Esat Digifone, Dublin, IRELAND; Etensity, Vienna, VA; Finesse Alliance International Pte Ltd, Singapore, SINGAPORE; Framfab, Stockholm, SWEDEN; Free Rain, Bellevue, WA; FST Fabbrica Servizi Telematici, Sarroch (CA), ITALY; GiantBear.com, White Plains, NY; Google, Inc., Mountain View, CA; GroupServe, Inc., Washington, DC; Guide Konsult AB, Solna, SWEDEN; HCL Technologies Ltd., Noida, UP, INDIA; ICO Global Communications, London, UNITED KINGDOM; In Fusio, Bordeaux, FRANCE; Informix Software, Inc., Menlo Park, CA; Infovention, Stockholm, SWEDEN; Interactive Trust Network, Inc., Atlanta, GA; Intrinsic Technology Limited (Shanghai), Shanghai, PEOPLE'S REPUBLIC OF CHINA; IONA Technologies, Inc., Waltham, MA; IT Network, Inc., Irving, TX; iXL Enterprises, Inc., Atlanta, GA; Jacada Inc., Atlanta, GA; JP Systems, Inc., Dallas, TX; Jumbuck Corporation Ltd., Melbourne, Victoria, AUSTRALIA; KG Telecommunications Co., Ltd., Taipei, TAIWAN; Kipling Systems AB, Karlskrona, SWEDEN; KnowledgePool Tieturi, Helsinki, FINLAND; Lava2140, Inc, Los Angeles, CA; LookSmart Ltd., San Francisco, CA; m-IQ Ltd.; London, UNITED KINGDOM; Macalla Software Ltd., Dublin, IRELAND; MapInfo Corporation, Troy, NY; Maporama, Paris Cedex, FRANCE; Marathon Technologies Corporation, Boxborough, MA; mCentric KSD, S.A., London, UNITED KINGDOM; ME.net Network Inc., New York, NY; Mercury Interactive Corporation, Sunnyvale, CA; Millenium Information Technologies, Colombo, SRI LANKA; Mobile Reach, Inc., Hillsborough, NC; MobileSoft Pty Limited, Sydney, New South Wales, AUSTRALIA; MobileSys, Inc., Mountain View, CA; Modem Media, Norwalk, CT; mvion, San Ramon, CA; MyAlert.com, SA, Madrid, SPAIN; MyWay.com, Andover, MA; Nettech Systems, Inc., Princeton, NJ; New Era of Networks Neon, Englewood, CO; NoTime Wireless, Halifax, Nova Scotia, CANADA; NotWired, Inc., Chicago, IL; OnDisplay, Inc., San Ramon, CA; OpenTV, Inc., Mountain View, CA; Outercurve Technologies, Inc., New York, NY; Oven Digital, Inc., New York, NY; PhoneOnline.com, Knoxville, TN; Probaris Technologies, Inc., Philadelphia, PA; Psion Computers Plc, London, UNITED KINGDOM; Quios, Inc., San Francisco, CA; R/GA, New York, NY; Rapp Digital Direct, Inc., New York, NY; Rare Medium Inc., New York, NY; Razorfish, Inc., Helsinki, FINLAND; ReadyCom, Inc., Chapel Hill, NC; Satama Interactive, Helsinki, FINLAND; Semotus Solutions, San Jose, CA; Sensei Limited, Aylesbury, Buckinghamshire, UNITED KINGDOM; Servicesoft, Inc., Natick, MA; Shenzhen New World Xianglong, Shen Zhen, Guangdong Province, PEOPLE'S REPUBLIC OF CHINA; Shenzhen Zhongxing-Suntek Data, Beijing, PEOPLE'S REPUBLIC OF CHINA; SmartServ Online, Inc., Stamford, CT; SolidStreaming, Inc., New York, NY; Sonata.com, New York, NY; Summus Limited, Raleigh, NC; SUNDAY O/B Mandarin, Quarry Bay, HONG KONG-CHINA; Surrey & City Consulting, Sutton, Surrey, UNITED KINGDOM; Taviz Technology, Inc., Palo Alto, CA; Teleknowledge Group, Kfar Saba, ISRAEL; TELESP CELULAR PARTICIPACOES, Sao Paulo, BRAZIL; Telxon Corp., The Woodlands, TX; Trema Laboratories SARL, Valbonne, FRANCE; Unimobile, Inc., Santa Clara, CA; UUNet Technologies Inc., Ashburn, VA; ValiCert, Inc., Mountain view, CA; Vanteon, Pittsford, NY; VAST Solutions, Inc., Addison, TX; Viafone, Redwood City, CA; Viridien Technologies, Inc., Boxborough, MA; VirtualTek Corporation, Seoul, REPUBLIC OF KOREA; Webtop DZ, Cambridge, UNITED KINGDOM; WellMed, Inc., Portland, OR; Wind Telecomumicaenmi SPA, Rome, ITALY; Zygo Communications Ltd., London, UNITED KINGDOM; abeama, inc., Clearwater, FL; Adcore AB, Sundbyberg, SWEDEN; Adera AB, Gothenburg, SWEDEN; Air2Web, Atlanta, GA; Airtel Movil, S.A., Madrid, SPAIN; Amazon.com, Seattle, WA; AtoBe, Naarden, THE NETHERLANDS; Axel Digital Group Oy, Helsinki, FINLAND; Centre for Wireless Communications, Singapore, SINGAPORE; CitiKey, London, UNITED KINGDON; Clarkston Potomac Group, Durham, NC; CoCoNet Global Interchange GmbH, Erkrath, GERMANY; Electronic Buriness Research Center, Hsinchu, TAIWAN; Evolving Systems, Inc., Englewood, CO; F5 Networks, Seattle, WA; Info2cell.com, Dubai Internet City, JORDAN; Infocomm Development Authority of Singapore, Singapore, SINGAPORE; Infowave Software, Inc., Burnaby, British Columbia, CANADA; Interleaf Inc., Waltham, MA; Ionic Microsystems Pvt. Ltd., Bangalore, INDIA; MACH SA, Bertrange, LUXEMBOURG; MobileOne Pte. Ltd., Singapore, SINGAPORE; MobileQ, Inc., Toronto, Ontario, CANADA; MovilGo Systems, Coral Gables, FL; Multimap.com, London, UNITED KINGDOM; NetLight Consulting AB, Solna, SWEDEN; Nexgeniz, Inc., Irvine, CA; OverNet Data, London, UNITED KINGDOM; Passcall Advanced Technologies LTD, Tirat Hacarmel, ISRAEL; Plumtree Software, Inc., San Francisco, CA; Red-M Limited, Wexham, Slough, Buckinghamshire, UNITED KINGDOM; ReefEdge, Inc., Fort Lee, NJ; SBC Communications Inc., Austin, TX; SeeBeyond, Redwood City, CA; SensCom, Inc., San Diego, CA; Silverline Technologies, Piscataway, NJ; Spyrus, Inc., San Jose, CA; STMicroelectronics, Inc., Vernier, SWITZERLAND; SurfControl plc, Congleton, Cheshire, UNITED KINGDOM; ThatWeb.com Private Limited, Singapore, SINGAPORE; The Met.Office, Bracknell, Berkshire, UNITED KINGDOM; Walker Digital, Stamford, CT; Xmarc, Inc., San Jose, CA; Xtempus, London, UNITED KINGDOM; YesMobile Holdings Co., Ltd;, Hong Kong, HONG KONG-CHINA; Zucotto Wireless, Ottawa, Ontario, CANADA and Cap Gemini Ernst & Young, Paris, FRANCE have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and WAP intends to file additional written notifications disclosing all changes in membership.

On March 18, 1998, WAP filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on December 31, 1998 (63 FR 72333).

The last notification was filed with the Department on July 12, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the

Act on November 13, 2001 (66 FR 56862).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–5538 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,162 and NAFTA–4822]

ME International, Inc. Duluth, MN; Notice of Affirmative Determination Regarding Application for Reconsideration

By letter of November 9, 2001, the United Steel Workers of America, Local 1028, District 11 requested administrative reconsideration of the Department of Labor's Notices of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistant (TA–W–39,162) and NAFTA—Transitional Adjustment Assistance (NAFTA–4822) for workers of the subject firm. The denial notices applicable to workers of ME International, Inc., Duluth, Minnesota, were signed on October 2, 2001, and published in the **Federal Register** on October 19, 2001, TA–W–39,162 (66 FR 53251) and NAFTA–4822 (66 FR 53252).

The company presents new information regarding potential customer purchases from Canada during the relevant period. Thus the information provided, warrants further petition investigation.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 12th day of February, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5581 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,375 and NAFTA–04939]

Sun Studs, Inc. Lone Rock Timber Company Lone Rock Logging Company Roseburg, OR; Notice of Negative Determination Regarding Application for Reconsideration

By application of September 18, 2001 and September 19, 2001, the company and petitioners, respectively requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA) under petition TA–W–39, 375 and North American Free Trade Agreement-Transitional Adjustment Assistance (NAFTA–TAA) under petition NAFTA–4939. The denial notices were signed on August 8, 2001 and published in the Federal Register on August 23, 2001 (66 FR 4378).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) if in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The TAA petition, filed on behalf of workers at Sun Studs, Inc., Lone Rock Timber Company, Lone Rock Logging Company, Roseburg, Oregon engaged in the production of veneer, was denied because the ''contributed importantly'' group eligibility requirement of section 222(3) of the Trade Act of 1974, as amended, was not met. The ''contributed importantly'' test is generally demonstrated through a survey of the workers' firm's customers. The Department conducted a survey of the subject company's major customers regarding their purchases of veneer. The survey revealed that none of the customers increased their import purchases of veneer, while reducing their purchases from the subject firm during the relevant period. The subject firm did not import veneer during the relevant period.

The NAFTA–TAA petition for the same worker group was denied because criteria (3) and (4) of the group eligibility requirements in paragraph (a)(1) of section 250 of the Trade Act, as amended, were not met. The survey revealed that the major customers did not increase their purchases of veneer, while decreasing their purchases from the subject firm during the relevant period. The subject firm did not import veneer like and directly competitive with what the subject plant produced from Mexico or Canada, nor was the veneer production shifted from the workers' firm to Mexico or Canada.

The petitioners supplied trade data depicting U.S. import trends during the relevant period.

The Department of Labor does examine and take into consideration trade statistics, but puts more emphasis on customer surveys to examine if the ''contributed importantly'' test is met, since this test demonstrates the direct impact on the subject firm. In addition to the initial survey showing no increased imports of veneer, the survey further indicates that some of the respondents increased their purchases of domestic veneer, rather than increasing their purchases of imported veneer during the relevant period.

The petitioners further allege that imported Canadian veneer was of a lower price then domestic veneer and thus the lower prices impacted the subject workers.

The price of veneer is not relevant to the TAA or NAFTA–TAA investigations that were filed on behalf of workers producing veneer.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decisions. Accordingly, the application is denied.

Signed at Washington, DC, this 11th day of February, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5583 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,568]

Alcatel Submarine Networks, Inc., Portland, Oregon; Notice of Negative Determination Regarding Application for Reconsideration

By application of October 2, 2001, the company requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The denial notice applicable to workers of Alcatel Submarine Networks, Inc., Portland, Oregon was issued on August 28, 2001, and was published in the **Federal Register** on September 11, 2001 (66 FR 47241).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The investigation findings revealed that criterion (3) of the group eligibility requirements of section 222 of the Trade Act of 1974 was not met. The decision was based on threatened sales decreases at the subject firm being affiliated exclusively to foreign customers and not domestic customers of Alcatel Submarine Networks, Inc., Portland, Oregon. Loss of export sales cannot be used as the basis for certification under the Trade Act of 1974.

The request for reconsideration shows that the company does have domestic customers. The company supplied a list of domestic customers with their request for reconsideration.

The review of data supplied during the initial investigation shows that plant sales, production and employment were relatively stable (upward bias) during the period of the investigation and therefore a survey would not have been conducted.

Based on the information supplied during the initial investigation, it appears that a shift in plant production to a foreign source may have recently occurred, with the possibility of fiber optic cable being imported back to the United States from an affiliated source. These events are beyond the relevant period of the initial investigation. Therefore, petitioners are encouraged to reapply for TAA if the events, as discussed, occurred since the outcome of the initial decision.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 4th day of February 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5573 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,109]

Alcoa, Inc. St. Lawrence Plant Massena, NY; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Alcoa, Inc., St. Lawrence Plant, Massena, New York. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–39,109; Alcoa, Inc., St. Lawrence Plant, Massena, New York (February 27, 2002)

Dated: Signed at Washington, DC this 1st day of March, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5579 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,453]

The Arnold Engineering Company Ferrite Products Division Sevierville, TN; Notice of Revised Determination on Reconsideration

On January 18, 2002, the Department issued an Affirmative Determination Regarding Application on Reconsideration applicable to workers and former workers of the subject firm. The notice was published in the **Federal Register** on February 5, 2002 (67 FR 5295).

On September 25, 2001 the Department initially denied TAA to workers of The Arnold Engineering Company, Ferrite Products Division, Sevierville, Tennessee producing ceramic hard ferrite magnets because the ''contributed importantly'' group eligibility requirement of Section 222 of the Trade Act of 1974, as amended, was not met.

On reconsideration, the department surveyed additional customers of the subject plant regarding their purchases of ceramic hard ferrite magnets during the relevant period. The survey revealed that major declining customer(s) increased their imports of ceramic hard ferrite magnets, while decreasing their purchases from the subject plant during the relevant period.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with ceramic hard ferrite magnets, contributed importantly to the declines in sales or production and to the total or partial separation of workers of The Arnold Engineering Company, Ferrite Products Division, Sevierville, Tennessee. In accordance with the provisions of the Act, I make the following certification:

All workers of The Arnold Engineering Company, Ferrite Products Division, Sevierville, Tennessee who became totally or partially separated from employed on or after May 30, 2000 through two years of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC this 11th day of February 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5572 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,009, TA–W–39,009A, and TA–W–39,009B]

Astaris LLC, Pocatello, ID; Astaris LLC, Princeton, NJ; Astaris LLC, Denver, CO; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on June 18, 2001, applicable to workers of Astaris LLC, Pocatello, Idaho. The notice was published in the **Federal Register** on June 5, 2001 (66 FR 35463).

At the request of the company, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of elemental phosphorus.

New information shows that worker separations occurred at the Princeton, New Jersey and Denver, Colorado locations of Astaris LLC when they closed in November 2001 and January 2002 respectively. These locations provided technical research and engineering support services solely to the subject firms' production facility in Pocatello, Idaho which closed in 2001.

Accordingly, the Department is amending the certification to include the workers of the Princeton, New Jersey and Denver, Colorado locations of Astaris LLC.

The intent of the Department's certification is to include all workers of Astaris LLC who were adversely affected by increased imports.

The amended notice applicable to TA–W–39,009 is hereby issued as follows:

All workers of Astaris LLC, Pocatello, Idaho (TA–W–39,009), Astaris LLC, Princeton, New Jersey (TA–W–39,009A) and Astaris LLC, Denver, Colorado (TA–W–39,009B) who became totally or partially separated from employment on or after April 2, 2000, through June 18, 2003, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 4th day of February, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5582 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,163]

Bridgestone/Firestone Tire and Rubber Company, Inc. Decatur, IL; Notice of Revised Determination on Reconsideration

By application of November 20, 2001, the United Steel Workers of America, Local 713 requested administrative reconsideration regarding the Department's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm.

The initial investigation resulted in the negative determination, based on the finding that imports of light truck and passenger (radial) tires did not contribute importantly to worker separations at the subject plant. The denial notice was signed on September 25, 2001 and published in the **Federal Register** on October 11, 2001 (66 FR 51773).

The applicant on reconsideration indicated that shortly after their petition was filed, the company announced that they would close the subject plant down permanently. The petitioner further indicates that plant production will be replaced with imported tires.

An examination of additional documentation furnished by the petitioner and further review of existing information supplied by the company during the initial investigation reveals that the company increased their reliance on imported tires during the relevant period.

Conclusion

After careful consideration of the new facts obtained on reconsideration, it is concluded that increased imports of tires, contributed importantly to the decline in production and to the total or partial separation of workers at Bridgestone/Firestone Tire and Rubber Company, Inc., Decatur, Illinois. In accordance with the provision of the Act, I make the following revised determination:

Workers of Bridgestone/Firestone Tire and Rubber Company, Inc., Decatur, Illinois, who became totally or partially separated from employment on or after April 30, 2000 through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC this 25th day of February 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5586 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,172]

Celanese AG, Celanese Acetate Division, Rock Hill, SC; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 (C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Celanese AG, Celanese Acetate Division, Rock Hill, South Carolina. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–39,172; Celanese AG, Celanese Acetate Division, Rock Hill, South Carolina (February 22, 2002)

Signed at Washington, D.C. this 1st day of March, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5576 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,535; TA–W–39,535A; TA–W–39,535B]

Computer Sciences Corporation, at Dupont Corporation, Cooper River Plant, Charleston, SC; Computer Sciences Corporation, at Dupont Corporation, Cape Fear Plant, Wilmington, NC; Computer Sciences Corporation, at Dupont Corporation, Kinston Plant, Kinston, NC; Notice of Revised Determination on Reconsideration

By application of October 29, 2001, the petitioner, requested administrative reconsideration regarding the Department's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm.

The initial investigation resulted in a negative determination issued on August 31, 2001 based on the finding that the workers do not produce an article within the meaning of section 222(3) of the Trade Act of 1974. The denial notice was published in the **Federal Register** on September 21, 2001 (66 FR 48706).

To support the request for reconsideration, the applicant provided additional information explaining the functions performed at each of the subject plant locations and further indicated the contract work they performed was related to the production activities at the Dupont Corporation plants which were under an existing TAA certification (TA–W–35,961).

Upon examination of the data supplied by the applicant, it became apparent that the Computer Science Corporation contract workers were engaged in employment related to the production of polyester fiber at Dupont plants under an existing TAA certification. Subject firm declines in employment occurred at all three plants during the relevant period. The Dupont plants were certified eligible to apply for Trade Adjustment Assistance under TA–W–35,961 (expired August 23, 2001) followed by a further TAA certification under TA–W–39,743 (which commenced on August 24, 2001).

Based on data supplied by Dupont Corporation in case TA–W–39,743, it has become evident that all criteria have been met for Computer Science Corporation workers performing work related to the production activities at the Dupont plants located at Charleston, South Carolina, Wilmington, North Carolina and Kinston, North Carolina. Plant sales, production and employment declined and customer imports increased during the relevant period.

Conclusion

After careful review if the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with those produced at Dupont Corporation's, Cooper River Plant, Charleston, South Carolina, Cape Fear Plant, Wilmington, North Carolina and Kinston Plant, Kinston, North Carolina, contributed importantly to the declines in the total or partial separation of Computer Sciences Corporation workers, who performed work at the three Dupont plants. In accordance with the provisions of the Act, I make the following certification:

Workers of Computer Sciences Corporation engaged in employment activities related to the production of polyester fiber at Dupont Corporation's, Cooper River Plant, Charleston, South Carolina (TA–W–39,535), Cape Fear Plant, Wilmington, North Carolina (TA–W–39,535A) and Kinston Plant, Kinston, North Carolina (TA–W–39,535B), who became totally or partially separated from employment on or after June 20, 2000 through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC this 19th day of February 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5588 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,530]

Facemate Corporation, Collierville, TN; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Facemate Corporation, Collierville, Tennessee. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–39,530; Facemate Corporation, Collierville, Tennessee (February 15, 2002).

Signed at Washington, DC this 1st day of March, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5578 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,233]

Garan Manufacturing, Adamsville, Tennessee; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 20, 2001, applicable to all workers of Garan Manufacturing located in Adamsville, Tennessee. The notice was published in the **Federal Register** on January 11, 2002 (67 FR 1509).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. Information contained in the files show that workers engage in employment related to sewing children's shirts at Garan, Incorporated, Adamsville, Tennessee, were certified eligible to apply for TAA under petition TA–W–36,729, which did not expire until October 13, 2001. In order to not exclude any potential worker eligibility, and in order avoid an overlap in worker group coverage for the Garan workers in Adamsville, Tennessee, the Department is amending this certification to change the impact date to October 2, 2000 for all workers of the firm except those workers engaged in ''sewing'' prior to October 13, 2001 (those workers that would have been covered under TA–W–36,729).

The amended notice applicable to TA–W–40,233 is hereby issued as follows:

All workers of Garan Manufacturing, Adamsville, Tennessee, who became totally or partially separated from employment on or after October 2, 2000, through December 20, 2003, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974. Workers engaged in ''sewing'' prior to October 13, 2001 were covered under certification TA–W–36,729 and are covered under this certification beginning October 14, 2001, through December 20, 2003.

Signed in Washington, DC this 14th day of February 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5590 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,205]

Glass Works WV, L.L.C. Weston, WV; Notice of Revised Determination on Reconsideration

By application of December 14, 2001, the United Steel Workers of America, Local 162 S requested administrative reconsideration regarding the Department's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm.

The initial investigation resulted in a negative determination, based on the finding that imports of mouth-blown glass tableware did not contribute importantly to worker separations at the subject plant. The denial notice was signed on November 9, 2001 and published in the **Federal Register** on November 30, 2001 (66 FR 59817).

The applicant on reconsideration provided additional information including an indication that the company was approved eligible for assistance under the U.S. Department of Commerce, Trade Adjustment Assistance for firms program.

An examination of additional documentation furnished by the U.S. Department of Commerce shows that customers increased their import purchases of glass tableware, while decreasing their purchases from the subject plant during the relevant period. Therefore, criterion (3) of the worker group eligibility requirements of section 222 of the Trade Act of 1974, as amended, is met.

Conclusion

After careful consideration of the new facts obtained on reconsideration, it is concluded that increased imports of mouth-blown glass tableware, contributed importantly to the decline in production and to the total or partial separation of workers at Glass Works WV, LLC, Weston, West Virginia. In accordance with the provisions of the Act, I make the following revised determination:

Workers of Glass Works WV, L.L.C., Weston, West Virginia, who became totally or partially separated from employment on or after September 20, 2000 through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC this 20th day of February 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5585 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,921]

Glenshaw Glass Company, Glenshaw, PA; Notice of Revised Determination on Reconsideration

On November 30, 2001, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The notice was published in the **Federal Register** on December 26, 2001 (66 FR 66430).

The Department initially denied TAA to workers of Glenshaw Glass Company, Inc., Glenshaw, Pennsylvania based on criterion (3) of the group eligibility requirements of section 222 of the Trade Act of 1974, as amended, not being met. Increased imports did not contribute importantly to worker separations at the subject firm. The workers at the subject firm were engaged in employment related to the production of glass containers.

The Department of Labor investigated the allegations made by the applicant that imports of glass containers contributed importantly to the terminations at the subject firm.

The Department of Labor conducted a sample survey of the major declining customers regarding their purchases of glass containers during the relevant period. The survey revealed that respondents increased their reliance on imported glass containers during the relevant period.

Conclusion

After careful consideration of the new facts obtained on reconsideration, it is concluded that increased imports of glass containers, contributed importantly to the decline in production and to the total or partial separation of workers at Glenshaw Glass Company, Inc., Glenshaw, Pennsylvania. In accordance with the provisions of the Act, I make the following revised determination:

Workers of Glenshaw Glass Company, Inc., Glenshaw, Pennsylvania, who became totally or partially separated from employment on or after March 12, 2000 through two years from the date of this certification, are eligible to apply for adjustment assistance under assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC this 19th day of February 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5584 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,611]

HR Textron Cadillac Gage, David Brown Hydraulics, Greenville, OH; Notice of Negative Determination Regarding Application for Reconsideration

By application of August 24, 2001, the Excello Independent Union requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The denial notice applicable to workers of HR Textron Cadillac Gage, David Brow Hydraulics, Greenville, Ohio was issued on July 18, 2001, and was published in the **Federal Register** on August 6, 2001 (66 FR 41052).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The investigation findings revealed that criterion (3) of the group eligibility requirements of section 222 of the Trade Act of 1974 was not met. The decision was based on imports not contributing importantly to the decline in employment at the subject plant. The decline in employment was related to a domestic shift in plant production. The workers produced hydraulic pumps and turret systems for military tanks.

The request for reconsideration alleges that hydraulic pumps are imported from an affiliated plant located in Poole, England.

A review of the investigation and clarification from the company indicates that during the relevant period of the investigation, the subject plant workers assembled hydraulic pumps from imported hydraulic pump components produced at an affiliated plant located in Poole, England. The Poole, England plant shipped the components to the subject plant, but did not import the completed hydraulic pumps to the United States (except under rare occasions) during the relevant period.

New information provided by the company shows that the Poole facility began shipping completed hydraulic pumps back to the United States during December 2001, which is beyond the scope of the relevant period of the initial investigation. Therefore, petitioners are encouraged to reapply for TAA, so an investigation can be conducted to establish these new facts as they relate to the workers of the subject firm during the relevant time frame.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 4th day of February 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5571 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,832]

King Press Corporation Joplin, MO; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on February 19, 2002, in response to a company petition which was filed on behalf of workers at King Press Corporation, Joplin, Missouri.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 28th day of February, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–5595 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,063]

Laclede Steel Company, St. Louis, MO; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 24, 2001 in response to a worker petition which was filed on the same date on behalf of workers at Laclede Steel Company, St. Louis, Missouri. The subject plant is located in Alton, Illinois.

The petitioning group of workers is subject to an ongoing investigation for which a determination has not yet been issued (TA–W–40,032). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 25th day of February, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5594 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,931; TA–W–39,931A]

Minster Machine Company, Minster, OH; Minster Machine Company, Beaufort Operation, Beaufort, SC; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on January 2, 2002, applicable to workers of Minster Machine Company, Minster, Ohio. The notice was published in the **Federal Register** on January 11, 2002 (67 FR 1511).

At the request of the company, the Department reviewed the certification for workers of the subject firm. The company reports that worker separations occurred at the Beaufort Operation, Beaufort, South Carolina location of Minster Machine Company. The Beaufort Operation produces material handling equipment required for the operation of punch presses produced at the Minster, Ohio location of the subject firm.

Based on these findings, the Department is amending the certification to include workers of the Beaufort Operation, Beaufort, South Carolina location of Minster Machine Company.

The intent of the Department's certification is to include all workers of Minster Machine Company who were adversely affected by increased imports.

The amended notice applicable to TA–W–39,931 is hereby issued as follows:

All workers of Minster Machine Company, Minster, Ohio (TA–W–39,931) and Minster Machine Company, Beaufort Operation, Beaufort, South Carolina (TA–W–39,931A) who became totally or partially separated from employment on or after August 16, 2000, through January 2, 2004, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 7th day of February, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–5574 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[Docket No. TA–W–39,539]

Mission Valley Fabrics Plains Cotton Cooperative Association New Braunfel, TX; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 15, 2002, applicable to workers of Mission Valley Fabrics, New Braunfels, Texas. The notice was published in the **Federal Register** on January 31, 2002 (67 FR 4750).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of yarn died woven fabrics. New information shows that Plains Cotton Cooperative Association is the parent firm of Mission Valley Fabrics, New Braunfels, Texas.

Information also shows that some workers separated from employment at the subject firm had their wages reported under a separate unemployment insurance (UI) tax account for Plains Cotton Cooperative Association.

Accordingly, the Department is amending the certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of Mission Valley Fabrics, New Braunfels, Texas who were adversely affected by increased imports.

The amended notice applicable to TA–W–39,539 is hereby issued as follows:

All workers of Mission Valley Fabrics, Plains Cotton Cooperative Association, New Braunfels, Texas who became totally or partially separated from employment on or after June 14, 2000, through January 15, 2004, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 4th day of February, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–5587 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,928A]

Motorola, Inc., Personal Communications Sector, Libertyville, IL; Including Employees of Motorola, Inc., Personal Communications Sector Located in California, Florida, Indiana, Massachusetts, Michigan, Mississippi, North Carolina, New Jersey, New York, Texas and Wisconsin; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on July 25, 2001, applicable to workers of Motorola, Inc., Personal Communications Sector, Harvard, Illinois and Libertyville, Illinois. The notice was published in the **Federal Register** on August 15, 2002 (66 FR 42887).

At the request of the company, the Department reviewed the certification for workers of the subject firm. New information shows that workers separations occurred involving employees of the Libertyville, Illinois facility of Motorola's Personal Communications Sector located in California, Florida, Indiana, Massachusetts, Michigan, Mississippi, North Carolina, New Jersey, New York, Texas and Wisconsin. These employees were engaged in employment related to the production of cellular phones at the Libertyville, Illinois location of the subject firm.

Based on these findings, the Department is amending this certification to include employees of the Libertyville, Illinois location of Motorola, Inc., Personal Communication Sector located in California, Florida, Indiana, Massachusetts, Michigan, Mississippi, North Carolina, New Jersey, New York, Texas and Wisconsin.

The intent of the Department's certification is to include all workers of Motorola, Inc., Personal Communications Sector adversely affected by increased imports.

The amended notice applicable to TA–W–38,928A is hereby issued as follows:

All workers of Motorola, Inc., Personal Communication Sector, Libertyville, Illinois, including employees of Libertyville, Illinois located in California, Florida, Indiana, Massachusetts, Michigan, Mississippi, North Carolina, New Jersey, New York, Texas and Wisconsin, who became totally or partially separated from employment on or after February 14, 2000, through April 13, 2003, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 7th day of February, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–5591 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TAW39, 065 and TAW39, 065A]

Mundy Industrial Contractor at Dupont Corporation, Kinston Plant, Kinston, NC; Mundy Industrial Contractors At Dupont Coporation, Cape Fear Plant, Wilmington (Leland), NC; Notice of Revised Determination on Reconsideration

By application of August 24, 2001, the petitioner, requested administrative reconsideration regarding the Department's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm.

The initial investigation resulted in a negative determination issued on July 30, 2001, based on the finding that criterion (1) of the group eligibility requirements of Section 222 of the Trade Act of 1974 was not met. Employment increased during the relevant period. The denial notice was published in the **Federal Register** on August 15, 2001 (66 FR 42878).

To support the request for reconsideration, the applicant provided additional information explaining the trends in employment of the contract workers engaged in activities relating to the production of polyester fiber at the two Dupont plants.

Upon examination of the data supplied by the applicant, it became apparent that declines in employment occurred at both plants during the relevant period. The workers were engaged in activities related to production of polyester fiber at the two Dupont Corporation plants. The Dupont plants were certified eligible to apply for Trade Adjustment Assistance under TA–W–35, 961 (expired August 23, 2001) followed by a further TAA certification under TA–W–39 743 (which began on August 24, 2001).

Based on data supplied by Dupont Corporation in case TA–W–39, 743, it has become evident that all criteria have been met for the workers of Mundy Industrial Contactors working at Dupont Corporation, Kinston Plant, Kinston, North Carolina and Cape Fear Plant, Wilmington, (Leland), North Carolina performing work related to the production activities at these certified plants. Plant sales, production and employment declined and customer imports increased during the relevant period.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with those produced at Dupont Corporation's Cape Fear Plant, Wilmington (Leland), North Carolina and Dupont Corporation's Kinston Plant, Kinston, North Carolina, contributed importantly to the declines in the total or partial separation of Mundy Industrial Contactors workers, who performed work in direct support of the production of polyester fiber at the two Dupont plants. In accordance with the provisions of the Act, I make the following certification:

Workers of Mundy Industrial Contractors engaged in employment activities related to the production of polyester fiber at Dupont Corporation's, Kinston Plant, Kinston, North Carolina (TA–W–39, 065) and Cape Fear Plant, Wilmington (Leland), North Carolina (TA–W–39), 065A), who became totally or partially separated from employment on or after April 5, 2000 through two years from the date of this certification, are eligible to

apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC this 19th day of February 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5589 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,394]

Pittsburgh Gear Works, Inc., Pittsburgh, PA; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Pittsburgh Gear Works, Inc., Pittsburgh, Pennsylvania. The application contained no new substantial information which could bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–39,394; Pittsburgh Gear Works, Inc., Pittsburgh, Pennsylvania (February 28, 2002)

Signed at Washington, DC this 1st day of March, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5575 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

United States Steel, LLC, Fairless Hills, Notice of Affirmative Determination Regarding Application for Reconsideration

By letter of November 27, 2001, the United Steel Workers of America requested administration reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to workers of the subject firm. The denial notice was signed on September 28, 2001, and published in the **Federal Register** on December 5, 2001 (66 FR 63261). The workers were engaged in activities related to the production of tin mill products.

The petitioner requested that the Department examine additional customers of the subject plant regarding their purchases of tin mill products during the relevant period. The Department of Labor will conduct a survey of these additional customers to determine if imports contributed importantly to the declines in employment at the subject plant.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 11th day of February, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5592 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,946]

Valley Machine Company, Rock Valley, IA; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Valley Machine Company, Rock Valley, Iowa. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–39,946; Valley Machine Company, Rock Valley, Iowa (February 15, 2002)

Signed at Washington, DC this 1st day of March, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5577 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–4915]

Equitable Resources Division of Kentucky West Virginia Gas Company LLC Prestonburg, KY; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Equitable Resources, A Division of Kentucky West Virginia Gas Company LLC, Prestonburg, Kentucky. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

NAFTA—4915; Equitable Resources, Division of Kentucky West Virginia Gas Company LLC, Prestonburg, Kentucky (February 26, 2002)

Signed at Washington, DC this 1st day of March, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5580 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–5703]

ITT Industries Newton, MA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on January 7, 2002, in response to a petition filed by a company official on behalf of workers at ITT Industries, Newton, Massachusetts.

The petitioners submitting the petition have requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 22nd day of February 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–5593 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–05854]

Smiths-Group Plc., Portex, Inc., Fort Myers, FL; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance, hereinafter called (NAFTA–TAA), and in accordance with section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on February 8, 2002, in response to a petition filed by a company official on behalf of workers at Smiths-Group Plc., Portex, Inc., Fort Myers, Florida.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 28th day of February, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–5596 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment Standards Administration

Wage and Hour Division; Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department.

Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC 20210.

New General Wage Determination Decision

The number of the decisions added to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and related Acts'' are listed by Volume and States:

Volume VI

Colorado
- C0020001 (Mar. 8, 2002)
- C0020002 (Mar. 8, 2002)
- C0020003 (Mar. 8, 2002)
- C0020004 (Mar. 8, 2002)
- C0020005 (Mar. 8, 2002)
- C0020006 (Mar. 8, 2002)
- C0020007 (Mar. 8, 2002)
- C0020008 (Mar. 8, 2002)
- C0020009 (Mar. 8, 2002)
- C0020010 (Mar. 8, 2002)
- C0020011 (Mar. 8, 2002)
- C0020012 (Mar. 8, 2002)
- C0020013 (Mar. 8, 2002)
- C0020014 (Mar. 8, 2002)
- C0020015 (Mar. 8, 2002)
- C0020016 (Mar. 8, 2002)
- C0020017 (Mar. 8, 2002)

Modification to General Wage Determination Decisions

The number of the decisions listed to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Connecticut
- CT020001 (Mar. 1, 2002)
- CT020002 (Mar. 1, 2002)
- CT020003 (Mar. 2, 2002)
- CT020004 (Mar. 1, 2002)

Massachusetts
- MA020001 (Mar. 1, 2002)
- MA020002 (Mar. 1, 2002)
- MA020003 (Mar. 1, 2002)
- MA020005 (Mar. 1, 2002)
- MA020007 (Mar. 1, 2002)
- MA020008 (Mar. 1, 2002)
- MA020009 (Mar. 1, 2002)
- MA020010 (Mar. 1, 2002)
- MA020012 (Mar. 1, 2002)
- MA020013 (Mar. 1, 2002)
- MA020017 (Mar. 1, 2002)
- MA020018 (Mar. 1, 2002)
- MA020019 (Mar. 1, 2002)
- MA020020 (Mar. 1, 2002)
- MA020021 (Mar. 1, 2002)

New Jersey
- NJ020001 (Mar. 1, 2002)
- NJ020002 (Mar. 1, 2002)
- NJ020003 (Mar. 1, 2002)
- NJ020004 (Mar. 1, 2002)
- NJ020005 (Mar. 1, 2002)
- NJ020007 (Mar. 1, 2002)

New York

NY020002 (Mar. 1, 2002)
NY020003 (Mar. 1, 2002)
NY020006 (Mar. 1, 2002)
NY020007 (Mar. 1, 2002)
NY020013 (Mar. 1, 2002)
NY020018 (Mar. 1, 2002)
NY020021 (Mar. 1, 2002)
NY020026 (Mar. 1, 2002)
NY020038 (Mar. 1, 2002)
NY020042 (Mar. 1, 2002)
NY020049 (Mar. 1, 2002)
NY020060 (Mar. 1, 2002)
NY020071 (Mar. 1, 2002)
NY020076 (Mar. 1, 2002)

Volume II

District of Columbia
DC020001 (Mar. 1, 2002)
DC020003 (Mar. 1, 2002)
Delaware
DE020002 (Mar. 1, 2002)
DE020004 (Mar. 1, 2002)
DE020005 (Mar. 1, 2002)
DE020009 (Mar. 1, 2002)
Pennsylvania
PA020039 (Mar. 1, 2002)
Virginia
VA020015 (Mar. 1, 2002)
VA020017 (Mar. 1, 2002)
VA020018 (Mar. 1, 2002)
VA020019 (Mar. 1, 2002)
VA020076 (Mar. 1, 2002)
VA020080 (Mar. 1, 2002)
VA020084 (Mar. 1, 2002)
VA020092 (Mar. 1, 2002)
VA020099 (Mar. 1, 2002)

Volume III

Georgia
GA020003 (Mar. 1, 2002)
GA020022 (Mar. 1, 2002)
GA020040 (Mar. 1, 2002)
GA020058 (Mar. 1, 2002)
GA020066 (Mar. 1, 2002)
GA020083 (Mar. 1, 2002)
GA020085 (Mar. 1, 2002)
GA020086 (Mar. 1, 2002)
GA020087 (Mar. 1, 2002)
GA020088 (Mar. 1, 2002)
North Carolina
NC020050 (Mar. 1, 2002)
South Carolina
SC020002 (Mar. 1, 2002)
SC020036 (Mar. 1, 2002)
SC020038 (Mar. 1, 2002)

Volume IV

Illinois
IL020001 (Mar. 1, 2002)
IL020002 (Mar. 1, 2002)
IL020003 (Mar. 1, 2002)
IL020004 (Mar. 1, 2002)
IL020005 (Mar. 1, 2002)
IL020006 (Mar. 1, 2002)
IL020008 (Mar. 1, 2002)
IL020009 (Mar. 1, 2002)
IL020011 (Mar. 1, 2002)
IL020012 (Mar. 1, 2002)
IL020013 (Mar. 1, 2002)
IL020014 (Mar. 1, 2002)
IL020016 (Mar. 1, 2002)
IL020019 (Mar. 1, 2002)
IL020021 (Mar. 1, 2002)
IL020022 (Mar. 1, 2002)
IL020023 (Mar. 1, 2002)
IL020024 (Mar. 1, 2002)
IL020025 (Mar. 1, 2002)
IL020026 (Mar. 1, 2002)
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IL020032 (Mar. 1, 2002)
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IL020046 (Mar. 1, 2002)
IL020048 (Mar. 1, 2002)
IL020050 (Mar. 1, 2002)
IL020051 (Mar. 1, 2002)
IL020052 (Mar. 1, 2002)
IL020054 (Mar. 1, 2002)
IL020058 (Mar. 1, 2002)
IL020060 (Mar. 1, 2002)
IL020061 (Mar. 1, 2002)
IL020066 (Mar. 1, 2002)
IL020067 (Mar. 1, 2002)
IL020068 (Mar. 1, 2002)
IL020069 (Mar. 1, 2002)
IL020070 (Mar. 1, 2002)
Michigan
MI020005 (Mar. 1, 2002)
MI020008 (Mar. 1, 2002)
MI020010 (Mar. 1, 2002)
MI020011 (Mar. 1, 2002)
MI020012 (Mar. 1, 2002)
MI020013 (Mar. 1, 2002)
MI020015 (Mar. 1, 2002)
MI020020 (Mar. 1, 2002)
MI020034 (Mar. 1, 2002)
MI020035 (Mar. 1, 2002)
MI020036 (Mar. 1, 2002)
MI020050 (Mar. 1, 2002)
MI020052 (Mar. 1, 2002)
MI020060 (Mar. 1, 2002)
MI020062 (Mar. 1, 2002)
MI020065 (Mar. 1, 2002)
MI020081 (Mar. 1, 2002)
MI020082 (Mar. 1, 2002)
MI020084 (Mar. 1, 2002)
MI020086 (Mar. 1, 2002)
MI020088 (Mar. 1, 2002)
MI020105 (Mar. 1, 2002)
Wisconsin
WI020001 (Mar. 1, 2002)

Volume V

Iowa
IA020005 (Mar. 1, 2002)
IA020012 (Mar. 1, 2002)
IA020013 (Mar. 1, 2002)
IA020017 (Mar. 1, 2002)
IA020029 (Mar. 1, 2002)
IA020054 (Mar. 1, 2002)
Nebraska
NE020001 (Mar. 1, 2002)
NE020011 (Mar. 1, 2002)
NE020019 (Mar. 1, 2002)

Volume VI

Alaska
AK020001 (Mar. 1, 2002)
Idaho
ID020001 (Mar. 1, 2002)
ID020014 (Mar. 1, 2002)
Oregon
OR020007 (Mar. 1, 2002)
Washington
WA020001 (Mar. 1, 2002)
WA020002 (Mar. 1, 2002)
WA020003 (Mar. 1, 2002)
WA020006 (Mar. 1, 2002)
WA020007 (Mar. 1, 2002)
WA020010 (Mar. 1, 2002)

Volume VII

California
CA020001 (Mar. 1, 2002)
CA020002 (Mar. 1, 2002)
CA020004 (Mar. 1, 2002)
CA020009 (Mar. 1, 2002)
CA020013 (Mar. 1, 2002)
CA020019 (Mar. 1, 2002)
CA020023 (Mar. 1, 2002)
CA020025 (Mar. 1, 2002)
CA020027 (Mar. 1, 2002)
CA020028 (Mar. 1, 2002)
CA020029 (Mar. 1, 2002)
CA020030 (Mar. 1, 2002)
CA020031 (Mar. 1, 2002)
CA020032 (Mar. 1, 2002)
CA020033 (Mar. 1, 2002)
CA020035 (Mar. 1, 2002)
CA020036 (Mar. 1, 2002)
CA020037 (Mar. 1, 2002)
Hawaii
HI020001 (Mar. 1, 2002)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under the Davis-Bacon And Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

General wage determinations issued under the Davis-Bacon and related Acts are available electronically at no cost on the Government Printing Office site at *www.access.gpo.gov/davisbacon.* They are also available electronically by subscription to the Davis-Bacon Online Service *(http://davisbacon.fedworld.gov)* of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068. This subscription offers value-added features such as electronic delivery of modified wage decisions directly to the user's desktop, the ability to access prior wage decisions issued during the year, extensive Help desk Support, etc.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate Volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which

includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, This 28th day of February 2002.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 02–5321 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR 1218–0209 2001]

Agency Information Collection Activities; Announcement of OMB Approval

AGENCY: Occupational Safety and Health Administration.

ACTION: Notice.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is announcing that a collection of information regarding occupational injuries and illnesses has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. This document announces the OMB approval number and expiration date.

FOR FURTHER INFORMATION CONTACT: Joseph J. DuBois, Directorate of Information Technology, Office of Statistics, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3507, 200 Constitution Avenue, NW, Washington, DC 20210, telephone (202) 693–1875.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 11, 2001 (66 FR 47246–47247), the Agency announced its intent to request an extension of approval for the OSHA Data Collection System. This data collection will request occupational injury and illness data and employment and hours worked data from selected employers in the following Standard Industrial Classifications (SICs):

15–17 Construction
20–39 Manufacturing
0181 Ornamental Floriculture and Nursery Products
0182 Food Crops Grown Under Cover
0211 Beef Cattle Feedlots
0212 Beef Cattle, Except Feedlots
0213 Hogs
0124 Sheep and Goats
0219 General Livestock, Except Dairy and Poultry
0241 Diary Farms
0251 Broiler, Fryer, and Roaster Chickens
0252 Chicken Eggs
0253 Turkeys and Turkey Eggs
0254 Poultry Hatcheries
0259 Poultry and Eggs, NEC
0291 General Farms, Primarily Livestock and Animal Specialties
0782 Lawn and Garden Services (North Carolina only)
0783 Ornamental Shrub and Tree Services
4212 Local Trucking Without Storage
4213 Trucking, Except Local
4214 Local Trucking With Storage
4215 Courier Services, Except Air
4221 Farm Product Warehousing and Storage
4222 Refrigerated Warehousing and Storage
4225 General Warehousing and Storage
4226 Special Warehousing and Storage, NEC
4231 Terminal and Joint Terminal Maintenance Facilities for Motor Freight Transportation
4311 United States Postal Service
4491 Marine Cargo Handling
4492 Towing and Tugboat Services
4493 Marinas
4499 Water Transportation Services, NEC
4512 Air Transportation, Scheduled
4513 Air Courier Services
4581 Airports, Flying Fields, & Airport Terminal Services
4783 Packing and Crating
4952 Sewerage Systems (California only)
4953 Refuse Systems
4959 Sanitary Services, NEC (California only)
5012 Automobiles and Other Motor Vehicles
5013 Motor Vehicle Supplies and New Parts
5014 Tires and Tubes
5015 Motor Vehicle Parts, Used
5031 Lumber, Plywood, Millwork, and Wood Panels
5032 Brick, Stone, and Related Construction Materials
5033 Roofing, Siding and Insulation Materials
5039 Construction Materials, NEC
5051 Metal Service Centers and Offices
5052 Coal and Other Minerals and Ores
5093 Scrap and Waste Materials
5141 Groceries, General Line
5142 Packaged Frozen Food Products
5143 Dairy Products, Except Dried or Canned
5144 Poultry and Poultry Products
5145 Confectionery
5146 Fish and Seafoods
5147 Meats and Meat Products
5148 Fresh Fruits and Vegetables
5149 Groceries and Related Products, NEC
5181 Beer and Ale
5182 Wine and Distilled Alcoholic Beverages
5211 Lumber and Other Building Materials Dealers
5311 Department Stores (Pilot collection)
5411 Grocery Stores (Maryland only)
8051 Skilled Nursing Care Facilities
8052 Intermediate Care Facilities
8059 Nursing and Personal Care Facilities, NEC
8062 General Medical and Surgical Hospitals (Pilot collection)
8063 Psychiatric Hospitals (Pilot collection)
8069 Specialty Hospitals, Except Psychiatric (Pilot collection)

In addition, OSHA will collect data from establishments that were visited by OSHA after October 1, 1997 and are required to maintain the OSHA Log. Information will also be collected from Public Sector establishments in certain State Plan States.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), OMB has renewed its approval for the information collection and assigned OMB control number 1218–0209. The approval expires 02/28/2003. Under 5 CFR 1320.5(b), an Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Dated: March 4, 2002.

John L. Henshaw,

Assistant Secretary of Labor.

[FR Doc. 02–5607 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meeting; Notice of Meeting

TIME AND DATE: 10 a.m., Wednesday, March 13, 2002.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Requests from two (2) Federal Credit Unions to Expand their Community Charters.
2. Request from a Federal Credit Union to add an Underserved Area to its Field of Membership.
3. Request from a Corporate Federal Credit Union for a Field of Membership Amendment.
4. Connecticut Member Business Loan Rule.
5. Final Rule: Parts 741 and 702, Financial and Statistical Reports.

RECESS: 11:15 a.m.

TIME AND DATE: 11:30 a.m., Wednesday, March 13, 2002.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Action under section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii) and (9)(B).

2. Request by a Corporate Credit Union to waive Part III Expanded Authorities and amend Part IV Expanded Authorities. Closed pursuant to exemption (8).

3. Revisions to Human Resource Delegations of Authority. Closed pursuant to exemption (2) and (6).

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone 703–518–6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 02–5765 Filed 3–6–02; 2:15 pm]

BILLING CODE 7535–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–272, 50–311, and 50–354]

PSEG Nuclear LLC, Exelon Generation Company, LLC; Notice of Partial Withdrawal of Application for Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of PSEG Nuclear LLC (the licensee) to withdraw a portion of its March 5, 2001, application, for proposed amendments to Facility Operating License (FOL) Nos. DPR–70 and DPR–75 for the Salem Nuclear Generating Station, Unit Nos. 1 and 2 (Salem), and FOL No. NPF–57 for the Hope Creek Generating Station (HCGS), located in Salem County, New Jersey.

The proposed amendments would revise License Condition 2.E in each of the respective FOLs to reflect the NRC's approval of changes to the Salem-Hope Creek Security Plan and the Salem-Hope Creek Security Training and Qualification Plan.

On December 17, 2001, the licensee submitted a letter to the NRC requesting withdrawal of the portion of the proposed change pertaining to escort of vehicles within the protected area.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing published in the **Federal Register** for Salem on June 27, 2001 (66 FR 34288), and for HCGS on July 11, 2001 (66 FR 36343). For further details with respect to this action, see the application for amendments dated March 5, 2001, and the licensee's letter dated December 17, 2001, which withdrew a portion of the application for license amendments. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/reading-rm.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC Public Document Room (PDR) Reference staff by telephone at 1–800–397–4209, 301–415–4737 or by email to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 22nd day of February, 2002.

For the Nuclear Regulatory Commission.

Richard B. Ennis,

Sr. Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02–5554 Filed 3–7–02; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27493]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

March 1, 2002.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 26, 2002, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After March 26, 2002, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Exelon Corporation, et al. (70–10050)

Exelon Corporation (''Exelon''), a registered holding company, and four Exelon subsidiary companies, Exelon Ventures Company, LLC (''Ventures''), Exelon Enterprises Company, LLC (''Enterprises''), Exelon Generation Company, LLC (''Genco''), and Exelon Energy Delivery Company, LLC (''Delivery''), all located at 10 South Dearborn Street, 37th Floor, Chicago, Illinois 60603 (collectively, ''Applicants'') have filed an application-declaration (''Application'') under sections 9(a), 9(c), 10, 11(b), 12(c), 12(f), 32, 33, 34 and rules 42, 43, 53, 54, and 58 of the Act.

Applicants request the following authority for the period ending June 30, 2005 (''Authorization Period''):

Development and Administrative Activities

Exelon requests authority, directly or through subsidiaries, to engage in preliminary development activities (''Development Activities'') and administrative and management activities (''Administrative Activities'') related to exempt wholesale generators (''EWGs''), foreign utility companies (''FUCOs''), exempt telecommunications companies (''ETCs''), subsidiaries permitted under rule 58 of the Act (''Rule 58 Subsidiaries''), and energy-related subsidiaries operating outside the United States (''Energy-related Subsidiaries'') (collectively, ''Permitted Nonutility Investments''). Exelon proposes to expend directly or through subsidiaries up to $500 million in the aggregate outstanding at any time during the Authorization Period on Development Activities.[1]

Development Activities will be limited to due diligence and design review; market studies; preliminary engineering; site inspection; preparation of bid proposals, including the posting of bid bonds; application for required permits and/or regulatory approvals; acquisition of site options and options on other necessary rights; negotiation

[1] Expenditures in EWGs, FUCOs, Rule 58 Subsidiaries and Energy-related Subsidiaries, which count against the ''aggregate investment'' limitation of rule 53 or rule 58, as modified by Commission orders applicable to Exelon, will not count against the $500 million limitation for Development Activities.

and execution of contractual commitments with owners of existing facilities, equipment vendors, construction firms, power purchasers, thermal ''hosts,'' fuel suppliers and other project contractors; negotiation of financing commitments with lenders and other third-party investors; and other preliminary activities that may be required in connection with the purchase, acquisition or construction of facilities or the securities of other companies. Development Activities will be designed to eventually result in a Permitted Nonutility Investment.

Exelon proposes a ''revolving fund'' concept for permitted Development Activities. To the extent a subsidiary for which amounts were expended for Development Activities becomes an EWG, FUCO, Rule 58 Subsidiary or Energy-related Subsidiary, the amount expended in development of that entity will no longer count against the limitation set for Development Activities but will then count against the limitation on the aggregate investment under rules 53 or 58, as modified by Commission order applicable to Exelon. The approval sought will not increase Exelon's authorized amount of aggregate investment in EWGs and FUCOs nor increase the permitted aggregate investment authorized under rule 58.

Incidental Acquisition of Nonutility Assets

Exelon requests authority to expend directly or through subsidiaries up to $500 million to construct or acquire energy assets that are incidental and related to its business as an electricity and energy commodities marketer and broker (''Energy Assets'') or to acquire the securities of one or more existing or new companies substantially all of whose physical properties consist or will consist of Energy Assets. Exelon's business as an electricity and energy commodities marketer and broker is conducted through Genco or Permitted Nonutility Investments. Energy Assets acquired will not include ''utility assets'' within the meaning of the Act. Energy Assets will not constitute additional investments in EWGs or FUCOs.

New Intermediate Subsidiaries for Internal Corporate Structuring

Exelon requests authority to acquire directly or through subsidiaries the securities of one or more corporations, trusts, partnerships, limited liability companies or other entities (''Intermediate Subsidiaries'') which would be created and organized exclusively for the purpose of acquiring, holding and/or financing or facilitating the acquisition of Permitted Nonutility Investments. These transactions will involve only internal organization and no authority is sought to acquire any new business not otherwise approved, authorized or exempted. Intermediate Subsidiaries may also engage in Development Activities and Administrative Activities.

Applicants state that there are several legal and business reasons for the use of Intermediate Subsidiaries in connection with making investments in Permitted Nonutility Investments. An Intermediate Subsidiary may be organized, among other things: (1) To facilitate the making of bids or proposals to develop or acquire an interest in any EWG, FUCO, ETC, or other nonutility company which, upon acquisition, would qualify as a Rule 58 Subsidiary or Energy-related Subsidiary; (2) after the award of such a bid proposal, to facilitate closing on the purchase or financing of such acquired company; (3) at any time subsequent to the consummation of an acquisition of an interest in any such company in order, among other things, to effect an adjustment in the respective ownership interests in such business held by the Exelon system and non-affiliated investors; (4) to facilitate the sale of ownership interests in one or more acquired Permitted Nonutility Investments; (5) to comply with applicable laws of foreign jurisdictions limiting or otherwise relating to the ownership of domestic companies by foreign nationals; (6) as a part of tax planning in order to limit Exelon's exposure to U.S. and foreign taxes; (7) to further insulate Exelon and its utility subsidiaries from operational or other business risks that may be associated with investments in nonutility companies; or (8) for other lawful business purposes.

Investments in Intermediate Subsidiaries may take the form of any combination of the following: (1) Purchases of capital shares, partnership interests, member interests in limited liability companies, trust certificates or other forms of voting or non-voting equity interests; (2) capital contributions; (3) open account advances without interest; (4) loans; and (5) guarantees issued, provided or arranged in respect of the securities or other obligations of any Intermediate Subsidiaries. Funds for any direct or indirect investment in any Intermediate Subsidiary will be derived from Exelon's available funds. No authority is sought for additional financing authority. To the extent that Exelon provides funds directly or indirectly to an Intermediate Subsidiary which are used to make an investment in an EWG, FUCO, Rule 58 Subsidiary or Energy-related Subsidiary, the amount of these funds will be included in Exelon's ''aggregate investment'' in such entities, as calculated in accordance with rules 53 or 58 of the Act, as applicable and as modified by Commission order applicable to Exelon.[2]

Internal Corporate Reorganization of Existing Investments

Exelon and its subsidiaries request authority to undertake internal reorganizations of existing and permitted nonutility subsidiaries and businesses. For example, a nonutility subsidiary may be moved to be a subsidiary of a different parent company. The internal reorganizations will be accomplished through a contribution, sale, distribution, assignment or other transfer from one entity and the acquisition by another entity of the securities, assets or interests in such entities. The internal corporate reorganizations will not include any transfer of utility assets or the securities of any utility subsidiary. These transactions will involve only internal reorganizations, and no authority is sought to acquire any new business not otherwise approved, authorized or exempted under the Act.

Exelon and its subsidiaries request authority, to the extent not exempt, to sell or otherwise transfer (1) nonutility businesses, (2) the securities of current subsidiaries engaged in some or all of these businesses or (3) investments which do not involve a subsidiary (i.e. less than 10% voting interest) to a different subsidiary. And, to the extent approval is required, Exelon requests, on behalf of the subsidiaries, authority to acquire the assets of nonutility businesses, subsidiaries or other then existing investment interests. Alternatively, transfers of such securities or assets may be effected by share exchanges, share distributions or dividends followed by contribution of such securities or assets to the receiving entity. In the future, following its direct or indirect acquisition of the securities of new nonutility subsidiaries, Exelon seeks authority to transfer the securities or the assets of these new nonutility subsidiaries to other subsidiaries as described in this section. Exelon also seeks authority to liquidate or merge nonutility subsidiaries.

[2] If the Intermediate Subsidiary is merely a conduit, the aggregate investment will not ''double count'' as both the conduit investment and the investment in the operating company authorized as an EWG, FUCO, Rule 58 subsidiary or other approved investment.

These internal transactions would be undertaken to eliminate corporate complexities, to combine related business segments for staffing and management purposes, to eliminate administrative costs, to achieve tax savings, or for other ordinary and necessary business purposes.

Energy-Related Subsidiaries Outside the United States

Exelon requests authority to engage through subsidiaries, direct or indirect, in energy-related activities outside the United States like those activities exempted in the United States under rule 58 of the Act. Exelon requests authority to conduct energy management services [3] and consulting services [4] anywhere outside the United States and to conduct energy marketing activities [5] in Canada and Mexico.

[3] Energy management services includes the marketing, sale, installation, operation and maintenance of various products and services related to energy management and demand-side management, including energy and efficiency audits; meter data management, facility design and process control and enhancements; construction, installation, testing, sales and maintenance of (and training client personnel to operate) energy conservation equipment; design, implementation, monitoring and evaluation of energy conservation programs; development and review of architectural, structural and engineering drawings for energy efficiencies, design and specification of energy consuming equipment and general advice on programs; the design, construction, installation, testing, sales, operation and maintenance of new and retrofit heating, ventilating, and air conditioning, electrical and power systems, alarm, security, access control and warning systems, motors, pumps, lighting, water, water-purification and plumbing systems, building automation and temperature controls, installation and maintenance of refrigeration systems, building infrastructure wiring supporting voice, video, data and controls networks, environmental monitoring and control, ventilation system calibration and maintenance, piping and fire protection systems, and design, sale, engineering, installation, operation and maintenance of emergency or distributed power generation systems, and related structures, in connection with energy-related needs; and the provision of services and products designed to prevent, control, or mitigate adverse effects of power disturbances on a customer's electrical systems.

[4] Consulting services, for energy- and gas-related matters for associate and nonassociate companies as well as for individuals, includes technical and consulting services involving technology assessments, power factor correction and harmonics mitigation analysis, meter reading and repair, rate schedule design and analysis, environmental services, engineering services, billing services (including consolidation or centralized billing, bill disaggregation tools and bill inserts), risk management services, communications systems, information systems/data processing, system planning, strategic planning, finance, general management consulting including training activities, feasibility studies, and other similar related services.

[5] Energy marketing means the brokering and marketing of electricity, natural gas and other energy commodities, as well as providing incidental, related services, such as fuel management, storage and procurement.

Reporting

Ventures (or Enterprises, as appropriate) proposes to file a single consolidated quarterly report under rule 24 of all investments in subsidiaries, commencing with the quarterly report for the first full calendar quarter which ends at least 45 days following the date of the order for this Application. It is proposed that the combined report be in lieu of any separate notification on Form U–6B–2 that would otherwise be required with respect to exempt securities issuances.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 02–5547 Filed 3–7–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act; Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of March 11, 2002.

Closed meetings will be held on Tuesday, March 12, 2002 and Thursday, March 14, 2002 at 10 a.m.

Commissioner Glassman, as duty officer, determined that no earlier notice thereof was possible.

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), (6), (7), (8), (9)(B), and (10) and 17 CFR 200.402(a)(3), (5), (6), (7), (9), 9(ii) and (10), permit consideration of the scheduled matters at closed meetings.

The subject matter of the closed meeting scheduled for Tuesday, March 12, 2002, will be:

Inspection point.
Institution and settlement of injunctive actions;
Institution and settlement of administrative proceedings of an enforcement nature; and
Formal orders of investigation.

The subject matter of the closed meeting scheduled for Thursday, March 14, 2002, will be:

Inspection point.
Institution and settlement of injunctive actions;
Institution and settlement of administrative proceedings of an enforcement nature; and
Formal orders of investigation.

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: March 6, 2002.

Jonathan G. Katz,

Secretary.

[FR Doc. 02–5809 Filed 3–6–02; 3:53 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45490; File No. SR–CBOE–2001–70]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to the Dissemination of Options Quotations With Size

March 1, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 28, 2001, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. On January 14, February 27, and March 1, 2002, respectively, the Exchange submitted Amendment Nos. 1,[3] 2,[4] and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Letter from Edward J. Joyce, CBOE, to Deborah Flynn, SEC, dated January 11, 2002 (''Amendment No. 1''). In Amendment No. 1, the exchange submitted additional information clarifying the intended operation of the proposal and eliminated a provision regarding the maximum number of contracts eligible for automatic execution.

[4] *See* Letter from Steve Youhn, CBOE, to Deborah Flynn, SEC, dated February 13, 2002 (''Amendment No. 2''). In Amendment No. 2, the Exchange, among other things, withdrew from the filing that section pertaining to the execution of Exchange's Retail Automatic Execution System (''RAES'') orders against manual quotes. The Exchange filed a new proposed rule change to address the execution of RAES orders against manual quotes (SR–CBOE–2002–07).

3 [5] to the proposal. 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 Exchange proposes to amend CBOE Rules 6.8 and 8.51 to accommodate the introduction of an options quotation with size (''quotes with size'' or ''QWS'') system with an automatic decrementation feature (''AutoDec''). Below is the text of the proposed rule change. Additions are italicized and deletions are bracketed.

* * * * *

CBOE Rule 6.8: RAES Operations

(b) Definitions

(i)–(iii) no change

(iv) The term ''options quotations with size'' refers to any series of options for which the Exchange disseminates a quotation size that is able to be decremented to reflect previous executions.

(c)(v) The appropriate FPC shall determine the size of orders eligible for entry into RAES. *Except for classes in which the Exchange disseminates options quotations with size, the eligible order size may not be for more than one hundred contracts. For classes in which the Exchange disseminates options quotations with size, the eligible order size may be set as the disseminated size.* [Eligible orders must be for one hundred or fewer contracts on series placed on the system.] *Further,* [T]*t*he appropriate FPC, in its discretion, may determine to restrict the size and kind of eligible orders, including but not limited to, lowering contract limits on particular option issues. Announcements concerning the size and kind of eligible orders will be made promptly as these are adjusted. The appropriate FPC will have discretion to place on the system such series in classes of options subject to its jurisdiction as it determines is appropriate.

Interpretations and Policies

.09

(a)(1) If the Exchange disseminates options quotations with size in a particular series, the number of contracts that may receive automatic execution at the disseminated price may not exceed the disseminated size in that series. Automatic executions will decrement the disseminated size by the amount of the automatic execution. When the number of contracts receiving automatic execution at a particular price exhausts the accompanying disseminated size for that series, subsequent orders that are otherwise eligible for RAES will not execute automatically for a period not to exceed 30-seconds (''re-route period'') and instead shall be automatically rerouted to PAR, BART or Live Ammo. When an incoming order is within the eligible order size yet is for a greater number of contracts than the disseminated size, that order will receive a partial automatic execution in an amount up to the disseminated size. The balance of the order and any subsequent orders otherwise eligible for RAES that are entered during the reroute period will route automatically to PAR, BART, or Live Ammo.

(2) Orders Rerouted from Live Ammo to RAES. In the event any orders previously routed to Live Ammo as described in subparagraph (a)(1) above are rerouted to RAES (''rerouted orders'') pursuant to Rule 7.4(g), all rerouted orders will receive automatic execution at the disseminated price even if the cumulative size of these rerouted orders exceeds the disseminated size. In addition, any orders rerouted to RAES pursuant to Rule 7.4(g) will maintain priority over subsequently-received RAES orders.

(b) If the Exchange disseminates options quotations with size in a particular class, the entity responsible for determining a formula for generating automatically updated market quotations for that class pursuant to Rule 8.7(b) and (c) shall also have responsibility for determining the size of the undecremented disseminated quote for that same class. For those classes in which a DPM, LMM, or SMM, or a market-maker in good standing has been appointed the responsibility to determine the size of the disseminated quote, the DPM, LMM, SMM or appointed market-maker may, but is not required to, consult with and/or agree with members of the trading crowd in determining the size of the disseminated quote. The members of the trading crowd are not required to provide input in these decisions, and in all instances, the DPM, LMM, SMM, or appointed market-maker has the responsibility to make the final determination as to the size of the undecremented disseminated quote. For those classes in which a DPM, LMM, SMM, or appointed market-maker does not have the responsibility set forth in Rule 8.7(b), the trading crowd shall determine the size of the undecremented disseminated quote.

Rule 8.51. Firm Disseminated Market Quotes

(a)–(b) no change

(c) Firm Quote Size.

(1) no change

(2) The firm quote requirement size for non-broker-dealer orders shall be the size that the Exchange [periodically publishes along with the quotes] disseminate*s*[d] to vendors. In the event the Exchange has not [published] *disseminated* a size along with its quotes for a particular series, then the firm quote requirement size for non-broker-dealer orders shall be that size published by the Exchange in a different manner (e.g., on its website). The Exchange will also separately publish the firm quote requirement size for broker-dealer orders. In the case of broker-dealer orders, if the size for a particular series disseminated along with the quotes is less than the size published for the broker-dealer orders, then the firm quote requirement for broker-dealer orders shall be the size published along with the quotes.

(a) When the disseminated quote represents a customer limit order in EBook, the firm quote requirement for non-broker-dealer orders shall be the greater of the size of the customer limit order or a size predetermined by the appropriate FPC. When the disseminated quote represents both a customer limit order in EBook and the trading crowd's quote, the firm quote requirement for non-broker-dealer orders shall be the aggregate size of the customer limit order and the size that the Exchange periodically publishes *or disseminates* for that particular series.

(b) For those series in which the Exchange disseminates options quotations with size (as defined in Rule 6.8(b)(iv), it may authorize the use of a replenishment timer. The replenishment timer, which shall be configurable by class by the DPM, is a feature that automatically increases the size of the disseminated quote for a particular series to the original Autoquote (Exchange or proprietary) size parameter after a pre-established time-period during which no automatic executions at the disseminated quote have occurred.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning

[5] *See* Letter from Steve Youhn, CBOE, to Deborah Flynn, SEC, dated February 28, 2002 (''Amendment No. 3''). In Amendment No. 3, the Exchange amended the proposed rule text of Proposed CBOE Rule 6.8.09(a)(1) to clarify the proposed operation of the 30-second re-route period. In addition, Amendment No. 3 eliminates references to ''real'' and ''actual size'' in the purpose section of the proposal.

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. The CBOE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Introduction

Exchange Rule 8.51, Firm Disseminated Market Quotes, codifies CBOE's firm quote obligations. Section (c) of that rule, Firm Quote Size, provides that:

> The firm quote requirement size for non-broker-dealer orders shall be the size that the Exchange periodically publishes along with the quotes disseminated to vendors. In the event the Exchange has not published a size along with its quotes for a particular series, then the firm quote requirement size for non-broker-dealer orders shall be that size published by the Exchange in a different manner (e.g., on its website).

Currently, the Exchange's quotation systems are unable to decrement the disseminated size to reflect previous executions, except in the case of orders in the book. For this reason, the Exchange has complied with the Commission's Quote Rule [6] by publishing on its website the firm quote size for each series and along with the bid-ask quotes disseminated to quotation vendors.

Even though the Exchange is ''firm'' for the size published on its website, this size often is not representative of the depth of liquidity a trading crowd is willing to provide in a particular series. Most trading crowds are willing to provide deeper markets, however, the systems limitations described above make such an endeavor impractical. The publication of a static size figure, which also can cause artificial liquidity, puts the Exchange at a competitive disadvantage in competing for orders of a size greater than the Exchange's published size.

To address this limitation, the Exchange proposes to implement an options quotation with size system. When operational, the QWS system would have an AutoDec feature that enables the Exchange to disseminate ''dynamic'' size, *i.e.,* a size that reflects previous executions and a size for which the Exchange is firm pursuant to Exchange Rule 8.51. The ability to decrement size would enable the Exchange to disseminate a real size that is a much more accurate barometer of the liquidity available in a particular series. The Exchange believes that this systems improvement would significantly benefit investors in their order routing decisions by providing them with a better indication of the depth of liquidity available in a series. Accordingly, the Exchange believes that the adoption of a QWS system would enable it to compete more effectively for larger-sized orders. Finally, as discussed in greater detail below, the Exchange notes that this proposal is substantially similar to how the International Securities Exchange's (''ISE'') quote size provisions operate.

Description

For those series in which the exchange disseminates options quotations with size, the QWS system would automatically decrement all executions for each individual series calculated by Autoquote [7] that execute automatically. For example, if the Exchange disseminates a size of 100 contracts, the trading crowd would be firm for 100 non-broker-dealer contracts executed automatically or via open outcry at the disseminated price, until that size was exhausted or until the quote was refreshed. The Exchange notes that in order to preserve the use of RAES as an automatic execution system for smaller retail orders, the appropriate Floor Procedure Committee (''FPC'') would retain its authority to establish the RAES size for a particular series at a number less than the disseminated size.[8] For classes in which the Exchange does not disseminate options quotations with size, current CBOE Rule 6.8(c)(v) remains in effect, as discussed in the section ''RAES Operations.'' [9]

While the disseminated size would reflect the number of contracts that may be executed automatically or via open outcry at a particular price, trades executed in open outcry would not cause the disseminated size to decrement automatically. In this respect, the Exchange notes that in some instances it would be firm for executions that in the aggregate sum up to more than its disseminated size. The number of contracts in a particular series that may receive automatic execution at the disseminated price, however, may not exceed the disseminated size.[10] Consistent with the current provisions of CBOE Rule 6.8, orders eligible for electronic execution would not be executed automatically at prices inferior to the national best bid or offer as identified by CBOE.

There are several reasons why trades executed in open outcry would not decrement displayed size. First, decrementation from the floor requires manual input, which can be time consuming and resource intensive, especially in very active markets. In contrast, RAES would be programmed to automatically decrement size upon executions. Second, the need for decrementation to prevent unnecessary liquidity exposure is more urgent in an auto-ex situation. When an order hits RAES, there is virtually no time to adjust quotes before another order can arrive through RAES. In contrast, all market makers and the Designated Primary Market Maker (''DPM'') are immediately aware of an open outcry execution and are thus able to adjust their quotes accordingly. Even if a new order arrives on the floor immediately after an execution, market makers have the ability to adjust their quotes because a new market is created by the previous execution.[11] Finally, the lack of decrementation after an open outcry execution works to the advantage of public customers. The lack of decrementation means that the displayed size remains higher than it would have been if the open outcry trade resulted in decrementation. Thus, public customers would have a larger firm quote size to execute against.

If an incoming electronic order exceeds the disseminated size, that order would receive a partial automatic execution for up to the disseminated size at the disseminated price. The balance of the order would be automatically rerouted to the Exchange's Public Automated Routing System (''PAR''), the Exchange's Booth Automated Routing Terminal (''BART''),

[6] 17 CFR 240.11Ac1–1.

[7] For purposes of this rule filing, Autoquote shall refer to any automated quotation updating system, whether Exchange-owned or proprietary.

[8] The Exchange originally proposed to allow the appropriate FPC to retain its current authority to limit the number of contracts eligible for automatic execution to a number less than the disseminated size. In Amendment No. 1, the Exchange proposed to remove this discretion and clarified that the RAES size would equal the disseminated size. In Amendment No. 2, the Exchange once again proposed to allow the appropriate FPC to retain its authority to limit the RAES size to a number less than the disseminated size.

[9] CBOE Rule 6.8(c)(v) provides that the appropriate FPC shall determine the size of orders eligible for entry into RAES. The eligible order size for non-QWS series must be 100 contracts or less.

[10] *See* Proposed CBOE Rule 6.8.09(a).

[11] In such a situation, the new quote would be input into CBOE quotation systems for dissemination to the public.

or Live Ammo [12] and thus may receive a dual-price execution.[13] This treatment is consistent with Exchange Rule 8.51(d), the Thirty Seconds Rule, which requires the crowd within 30 seconds of receiving an order for a size greater than the quotation size to execute the entire order or to execute that portion of the order equal to the disseminated size and revise its price quote. The Exchange notes that at some future point it may develop the systems capability to automatically execute these orders at dual prices.

The 30-Second Reroute Period

When the disseminated size is decremented to zero by automatic executions, for a period not to exceed 30-seconds (''reroute period''), all subsequent orders in that series that are otherwise eligible for automatic execution would be automatically rerouted either to PAR, BART or Live Ammo.[14] Upon expiration of the reroute period timer, new electronic orders would again be eligible for automatic execution up to the refreshed disseminated size.[15] See Proposed CBOE Rule 6.8.09(a)(1). The duration of the reroute period would be configurable by the DPM on a class basis and may not exceed 30-seconds. The DPM may manually override the reroute timer by submitting a new quote prior to the expiration of the reroute period. For example, if the reroute period timer is established at 15-seconds, the DPM may manually send a new quote at any time prior to 15-seconds. When this is done, orders may once again be eligible for automatic execution at the refreshed price.[16]

The CBOE represents that the purpose of the reroute period is to provide the DPM with the opportunity to refresh the quote when the disseminated size has been exhausted, in conformity with the Quote Rule. Amendment No. 1 clarifies that orders received during the reroute period would not be held for the duration of the reroute period. Rather, as incoming electronic orders are received during the reroute period they would be routed upon receipt to PAR, BART or Live Ammo. Upon expiration of the reroute period, subsequent incoming orders that are eligible for automatic execution would once again be eligible to receive automatic execution at the refreshed price.[17]

The Exchange believes that DPMs would have strong incentives to establish reroute periods that last considerably less than thirty seconds for several reasons. First and foremost is for competitive reasons. During the reroute period, the Exchange would disseminate a size of ''1.'' Customers and firms that see the Exchange is firm for only one contract in this particular series may look elsewhere to send their options orders. This provides a strong incentive to DPMs to update their quotations as quickly as possible. Second, the Exchange notes that the appropriate FPC could require DPMs to establish the length of the reroute period to a maximum length of time that is less than thirty seconds. For example, the FPC could require that DPMs establish a reroute period that does not exceed fifteen seconds. In this instance, DPMs would have the ability to establish a reroute period that is less than fifteen seconds.[18]

The Exchange notes that the use of Live Ammo as a routing destination provides two main benefits. First, it provides an alternative to routing to PAR. In some instances, several orders may route to PAR terminals at approximately the same time. If traffic on PAR is heavy, the DPM would have the ability to route orders to Live Ammo. The CBOE believes that this should help to ensure that orders are addressed expeditiously. Second, the Live Ammo terminals feature a ''Live Ammo to RAES'' switch that enables the DPM to automatically reroute orders back for automatic execution. If the DPM uses this function, all orders on Live Ammo would then immediately reroute for automatic execution, even if the cumulative size of these orders exceeds the disseminated size.[19]

Amendment No. 2 would detail in the proposed rule text that function of Live Ammo that allows a DPM to automatically reroute orders from Live Ammo to RAES for automatic execution, even if the cumulative size of these rerouted orders exceeds the disseminated size. In addition, CBOE has amended the rule text to provide that orders rerouted from Live Ammo to RAES would retain priority over subsequently received RAES orders. CBOE notes that this latter point was addressed by the Exchange in its Amendment No. 3 to SR-CBOE–98–27, which the Commission approved on February 2, 2000.[20] Finally, for a more detailed description of Live Ammo in general, and the function known as ''Live Ammo to RAES'' in particular, the Exchange identifies CBOE Rule 7.4(g) and the aforementioned rule filing SR-CBOE–98–27 and the amendments thereto.[21]

RAES Operation

As indicated above, the QWS system would enable the Exchange to display larger disseminated sizes, which benefits all customers. To facilitate the introduction of QWS, the Exchange would make a corresponding change to CBOE Rule 6.8(c)(v) regarding the maximum eligible order size for RAES orders. Currently, the maximum allowable RAES size is 100 contracts. The Exchange proposes to retain this upper limit, however, it would only apply to those series in which the Exchange does not disseminate options quotations with size (as defined in Proposed CBOE Rule 6.8(b)(iv)). For those series in which the Exchange disseminates options quotations with size, the eligible order size would be established by the appropriate FPC. To limit the maximum eligible order size to 100 contracts would destroy the purpose for which the QWS was developed: To have the ability to provide large quotation sizes against which electronic orders may automatically execute.

Determination of Disseminated Size

The entity that has responsibility under Exchange Rules to determine a formula for generating automatically updated market quotations would also be responsible for determining the size of the undecremented disseminated quote. In most instances, this entity would either be the DPM, Lead Market-Maker (''LMM''), or Supplemental Market-Maker (''SMM'') or Appointed Market-Maker (''Appointed Market-Maker'') for the class.[22] While DPMs,

[12] The Live Ammo electronic screen displays market orders or limit orders that improve the market. *See* CBOE Rule 7.4(g).

[13] The Exchange notes that orders would only be routed to BART if a firm so chooses.

[14] The appropriate FPC shall determine by class the location to which to route those RAES orders that are submitted during the reroute period. The Exchange notes that orders would only be routed to BART if a firm so chooses. Absent specific instructions, orders would reroute to either PAR or Live Ammo.

[15] During the reroute period, the Exchange would disseminate a size of ''1'' (with the same price) until the quote has been refreshed by the DPM.

[16] *See* Amendment No. 1, *supra* note , at p. 2.

[17] *See* Amendment No. 1, *supra* note , at pp. 1–2 and Amendment No. 2, *supra* note , at p. 1.

[18] *Id.* The Exchange notes that the DPM has the responsibility for establishing the duration of the reroute period for his classes. The appropriate FPC may however establish a ceiling on that duration.

[19] *Id.* at p. 2.

[20] *See* Securities Exchange Act Release No. 42379, 65 FR 6665 (February 10, 2000).

[21] *See* Amendment No. 2, *supra* note

[22] For those classes in which a DPM, LMM, SMM, or Appointed Market-Maker does not have responsibility to determine a formula for generating automatically updated market quotations, the obligation to update quotes is imposed upon the trading crowd as a whole. *See* File No. SR–CBOE–2001–64, a proposal pending before the

Continued

LMMs, SMMs, and Appointed Market-Makers have the responsibility to determine the size of the undecremented disseminated quote, the proposed amendment to Interpretation and Policy .09(c) of CBOE Rule 6.8 expressly provides that the DPM, LMM, SMM, or Appointed Market-Maker may, but is not required to, consult with and/or agree with other market-makers in the trading crowd in determining the size of the undecremented disseminated quote.[23] Conversely, the amendment provides that to the extent a DPM, LMM, SMM, or Appointed Market-Maker determines to consult with and/or agree with the market-makers in the trading crowd in determining the size of the undecremented disseminated quote, members of the trading crowd are not required to provide input to the DPM, LMM, SMM, or Appointed Market-Maker about these decisions. The Exchange believes that this type of consultation between trading crowd participants is entirely appropriate because the trading crowd is defined as the ''responsible broker or dealer'' for purposes of CBOE Rule 8.51. Because they collectively must honor the disseminated firm quote size, it is appropriate for them to discuss collectively the size of that guarantee.

The Replenishment Timer

Because of the preponderance of series for which each DPM is responsible for maintaining quotes, the Exchange intends to introduce a ''replenishment timer'' to guard against the continued dissemination of ''stale'' size values. The replenishment time, which is configurable by class by the DPM, is a feature that automatically increases the disseminated size for a particular series back to the original Autoquote volume parameter after a set time-period when no further decrementation has occurred.[24] The Replenishment Timer is incorporated in proposed CBOE Rule 8.51(c)(2)(b).[25]

Customer Benefits

For many reasons, CBOE believes that the proposed QWS system would act to increase liquidity and depth in its market and enhance its competitiveness with other options exchanges. QWS would reflect better the true state of liquidity being offered at the time by the crowd. It would enable market makers and DPMs to quote a larger size market because they would not be subject to repetitive executions at an aggregate size greater than the size of their firm quote. Currently, if a crowd is firm for 50 contracts, repetitive RAES executions can result in aggregate executions that total far greater than 50 contracts before the DPM has an opportunity to update quotations. This artificial liquidity exposure limits market makers and DPM willingness to establish a large firm quote size for customers. QWS should encourage DPMs and market makers to offer greater size guarantees and tighter markets because their liquidity exposure would be limited to the total size displayed. In addition, CBOE would be able to compete better against markets that display quotes with size, such as the ISE. Additionally, the QWS would act in a neutral manner to all order entry firms. The size displayed would be available for all firms. While a market participant may be able to avail itself of a displayed size and absorb all of the size before another market participant, every CBOE member has an equal opportunity to attempt to avail itself of a displayed size before it is decremented.

Upon approval of this rule filing, the Exchange would gradually rollout the QWS functionality by series. It is the Exchange's hope that QWS would be active in its most active series. For those series in which the Exchange does not disseminate options quotations with size, the Exchange would continue to comply with the Commission's Quote Rule as it currently does (i.e., published by the Exchange on its website, see CBOE Rule 8.51(c)(2). For those series in which the Exchange does not disseminate options quotations with size, RAES would continue to operate as it does today (i.e., with a 100-contract limit, which the appropriate FPC can determine to lower for particular issues). CBOE Rule 6.8(v), as amended, clearly makes this distinction.[26]

Similarity to ISE and Nasdaq

Finally, the Exchange notes that this proposal is substantially similar to how the ISE quote size provisions operate. ISE grants automatic executions up to its disseminated size. Accordingly, if ISE disseminates 100 contracts in a particular series, any customer can receive an electronic execution for up to 100 contracts. CBOE's QWS system would operate in an identical manner. Therefore, if CBOE and ISE each disseminate a size of 100 contracts in the same series, customers eligible to submit orders through CBOE Rule 6.8 may be entitled to receive an automatic execution for up to 100 contracts through CBOE's QWS system just as they could receive an automatic execution for 100 contracts through ISE.

Similarly, the NASD adopted a rule that allowed market makers to quote their actual size and reduced the minimum quotation size to one unit of trading.[27] The move to actual size, combined with the decrementation of a Nasdaq market maker's quote size after an automatic execution, enabled market makers ''more flexibility to manage risk'' and allowed them to reflect size in their quotations based on business and market factors instead of regulatory imposed minimums. The Exchange believes that its QWS proposal accomplishes a similar result. However, with QWS, CBOE would still guarantee a minimum level of liquidity upon the establishment of every new quote, but that minimum should reflect more accurately the amount of liquidity offered at the price.

2. Statutory Basis

This proposal would enable the Exchange to disseminate quote sizes that more accurately reflect the number of contracts for which the DPM and crowd stand ready to buy or sell at the disseminated size. The dissemination of quotes with size with AutoDec should aid investors in their routing decisions by providing them with more certainty regarding the depth of liquidity behind a price quote. For these reasons, the Exchange believes the proposed rule change is consistent with the Act and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of section 6(b) of the Act.[28] Specifically, the Exchange believes the proposed rule change is consistent with the section 6(b)(5)[29] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative

Commission, for a description of the Autoquote-setting mechanism.

[23] In those classes in which a DPM, LMM, SMM, or Appointed Market-Maker does not have responsibility to determine the Autoquote variables, the trading crowd as a whole shall determine the size of the undecremented disseminated quote.

[24] For example, assume the replenishment timer is set for 240-seconds in a class with a disseminated size of 200 and that this particular series has been decremented to 40 contracts due to executions. In order to prevent the continued dissemination of 40-contracts for an extended period, the replenishment timer would, after 240-seconds from the last execution, increase the disseminated size back to 200 contracts. The firm quote size would then be 200 contracts.

[25] *See* Amendment No. 1, *supra* note, at p. 3.

[26] *See* Amendment No. 2, *supra* note, at pp. 1–2.

[27] Securities Exchange Act Release No. 40211 (July 15, 1998), 63 FR 39322 (July 22, 1998).

[28] 15 U.S.C. 78(f)(b).

[29] 15 U.S.C. 78(f)(b)(5).

acts and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that disseminating options quotations with size would enhance competition. The proposed change does provide for limited joint participation among competing CBOE market-makers in a trading crowd in certain circumstances (*e.g.,* to determine the size of the disseminated quote). The Exchange believes this limited joint participation is procompetitive, because it is necessary to provide for a fair and orderly market in the thousands of option series traded on the Exchange. Accordingly, the Exchange believes the limited joint activity described in this rule proposal is justified by and furthers the objectives of section 11A(a)(1)(C)(ii) of the Act by assuring fair competition among markets. The proposed rule also is consistent with and furthers the objectives of section 6(b)(5) of the Act in that it is designed to remove impediments to a free and open market, and to protect investors and the public interest.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes 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, as amended, 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 Room. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–2001–70 and should be submitted by March 25, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[30]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 02–5549 Filed 3–7–02; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45493; File No. SR–NASD–2002–27]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and by the National Association of Securities Dealers, Inc. Amending NASD Rule 3070 Concerning the Reporting of Criminal Offenses by Members and Persons Associated With a Member to the NASD

March 1, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 21, 2002, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') through its wholly owned subsidiary NASD Regulation, Inc. (''NASD Regulation'') 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 by NASD Regulation. 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

NASD Regulation proposes to amend NASD Conduct Rule 3070 to limit reporting under this category to any felony, certain types of misdemeanors, and substantially equivalent activity in a domestic or foreign court. According to NASD Regulation, this proposed rule change would conform NASD Rule 3070(a)(5) to a proposed rule change by the New York Stock Exchange (''NYSE'') to amend NYSE Rule 351(a)(5).[3]

The text of the proposed rule change appears below. New text is in italics; deletions are in brackets.

Rule 3070. Reporting Requirements

(a) Each member shall promptly report to the Association whenever such member or person associated with the member:

(1) through (4) No change.

(5) is indicted, or convicted of, or pleads guilty to, or pleads no contest to, [any criminal offense (other than traffic violations)] *any felony; or any misdemeanor that involves the purchase or sale of any security, the taking of a false oath, the making of a false report, bribery, perjury, burglary, larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, or misappropriation of funds, or securities, or substantially equivalent activity in a domestic or foreign court.*

(6) through (10) No change.

(b) through (e) No change.[4]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD Regulation 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. NASD Regulation has prepared summaries, set forth in sections A, B,

[30] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 45404 (February 6, 2002), 67 FR 6565 (February 12, 2002).

[4] The initial text of the proposed rule change stated ''(a) through (e) No Change.'' In fact, NASD Regulation intended to state ''(b) through (e) No Change.'' The Commission made this correction to the proposed rule text with the agreement of NASD Regulation. Telephone conversation between Shirley H. Weiss, Associate General Counsel, NASD Regulation, and Christopher Solgan, Law Clerk, Division, Commission, on February 28, 2002.

and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

NASD Regulation proposes to amend NASD Rule 3070(a)(5) to limit reporting under this category to any felony, certain types of misdemeanors, and substantially equivalent activity in a domestic or foreign court. According to NASD Regulation, this proposed rule change would conform NASD Rule 3070(a)(5) to a proposed amendment by the NYSE to NYSE Rule 351(a)(5).

NASD Rule 3070, adopted in 1995,[5] requires members to promptly report to the NASD the occurrence of 10 specified events (including criminal indictments and convictions, securities law violations, securities or commodities-related litigation or arbitration resulting in an award or judgment exceeding $15,000, customer claims settled for an amount exceeding $15,000, association with a statutorily disqualified person, and certain disciplinary proceedings) and to file quarterly statistical information concerning customer complaints. According to NASD Regulation, NASD Rule 3070 assists the NASD in the timely identification and investigation of problem members, branch offices, and registered representatives that may pose heightened risks to public investors.

NASD Regulation represents that the reporting requirements under NASD Rule 3070 significantly parallel comparable provisions of NYSE Rule 351 as well as the disclosure requirements of the Uniform Application for Securities Industry Registration or Transfer (''Form U–4''). In this regard, any member subject to substantially similar reporting requirements of another self-regulatory organization of which it is a member is exempt from the provisions of NASD Rule 3070.

With respect to criminal offenses, NASD Regulation states that both NASD Rule 3070(a)(5) and NSYE Rule 351(a)(5) currently require members to promptly report to the NASD and NYSE, respectively, when such member or person associated with the member is indicted, convicted of, pleads guilty to, or pleads no contest to any criminal offense other than traffic violations. NASD Regulation believes that this requirement is overly broad, in that it requires members and persons associated with members to report information that is not material to NASD Regulation's regulatory program. NASD Regulation states that the proposed rule change would continue to require members and associated persons to report ''any felony,'' consistent with Question 23A(1) of the Form U–4,[6] but it would limit the scope of reportable misdemeanor criminal events to the type of business-related offenses that are required to be reported in response to Question 23B(1) of the Form U–4.[7] NASD Regulation also believes that the proposed rule change would be consistent with a proposed rule change submitted by the NYSE to amend NYSE Rule 351(a)(5), which would limit the reporting of criminal offenses to: ''any felony or any misdemeanor that involves the purchase or sale of any security, the taking of a false oath, the making of a false report, bribery, perjury, burglary, larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion or misappropriation of funds or securities, or substantially equivalent activity in a domestic or foreign court.'' [8]

(2) Statutory Basis

NASD Regulation believes that the proposed rule change is consistent with the provisions of sections 15A(b)(6) [9] of the Act, which requires, among other things, that the Association's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. NASD Regulation believes that the proposed rule change is designed to accomplish these ends by conforming NASD Rule 3070(a)(5) to a proposed rule change to NYSE Rule 351(a)(5) and making NASD Rule 3070(a)(5) more consistent with the reporting requirements of Form U–4.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD Regulation does not believe that the proposed rule change will result in 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

NASD Regulation neither solicited nor received written comments.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the NASD 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 the Commission's Public Reference Room. Copies of such filings will also be available for inspection and copying at the principal office of the Association. All submissions should refer to File No. SR–NASD–2002–27 and should be submitted by March 29, 2002.

[5] *See* Securities Exchange Act Release No. 36211 (September 8, 1995), 60 FR 48182 (September 18, 1995).

[6] Question 23A(1) reads as follows:

Have you ever:

(a) been convicted of or pled guilty or nolo contendere (''no contest'') in a domestic, foreign, or military court to any felony?

(b) been charged with any felony?

[7] Question 23B(1) reads as follows:

Have you ever:

(a) been convicted of or pled guilty or nolo contendere (''no contest'') in a domestic or foreign court to a misdemeanor involving: investments or an investment-related business, fraud, false statements or omissions, wrongful taking of property, or bribery, forgery, counterfeiting or extortion, or a conspiracy to commit any of these offenses?

(b) been charged with a misdemeanor specified in 23(B)(1)(a)?

[8] *See* Securities Exchange Act Release No. 45404 (February 6, 2002), 67 FR 6565 (February 12, 2002).

[9] 15 U.S.C. 78*o*–3(b)(5).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 02–5548 Filed 3–7–02; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45496; File No. SR–NASD–2002–31]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Extend a Pilot That Permits SuperSOES To Trade Through the Quotations of UTP Exchanges That Do Not Participate in the Nasdaq National Market Execution Service

March 1, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 1, 2002, the National Association of Securities Dealers, Inc. (''NASD''), acting through its subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The NASD filed the proposal pursuant to section 19(b)(3)(A)[1] of the Act, and Rule 19b–4(f)(6) thereunder,[2] which renders the proposal effective on filing with the Commission.[3] 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

There is no new language. The pilot rule language is as follows:

4710. Participant Obligations in NNMS

(a)–(e) No Change.

(f) UTP Exchanges.

(i) A UTP Exchange may voluntarily participate in the NNMS System according to the approved rules for the NNMS System if it executes a Nasdaq Workstation Subscriber Agreement, as amended, for UTP Exchanges.

(ii) If a UTP Exchange does not participate in the NNMS System, the UTP Exchange's quote will not be accessed through the NNMS, and the NNMS will not include the UTP Exchange's quotation for order processing and execution purposes.

(iii) For purposes of this rule the term ''UTP Exchange'' shall mean any registered national securities exchange that has unlisted trading privileges in Nasdaq-listed securities pursuant to the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination Of Quotation and Transaction Information For Exchange-Listed Nasdaq/National Market System Securities Traded On Exchanges On An Unlisted Trading Privilege Basis (''Nasdaq UTP Plan'').

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD 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. Nasdaq has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq is filing to extend until May 31, 2002, a pilot pertaining to a change to NASD Rule 4710 which specifies that if a UTP Exchange elects not to participate in SuperSOES, SuperSOES will not include the UTP Exchange's quotation for order processing and execution purposes.[4]

The pilot is consistent with Nasdaq's long-standing goal to improve the quality of its market. Establishing SuperSOES as the primary platform for trading Nasdaq-listed securities is a critical step in that respect. Nasdaq's successful implementation of SuperSOES has significantly improved The Nasdaq Stock Market. In particular, our initial assessment based on preliminary data shows that SuperSOES orders are processed quickly, enjoy high fill rates, and execute at the current market price. Moreover, neither SuperSOES nor the pilot has had a significant negative impact on spreads, depth or volatility. The ease with which the market reopened on September 17, 2001, appears to be directly connected to the efficiency of SuperSOES. In addition, the Chicago Stock Exchange (''CHX'') and the Boston Stock Exchange, which currently represent the vast majority of the trading volume in Nasdaq-listed stocks by UTP Exchanges, have adopted SuperSOES.[5]

While SuperSOES is improving the operation of The Nasdaq Stock Market, we have identified an area of concern that we believe must be addressed immediately to ensure the smooth functioning of the Nasdaq system.[6] Specifically, if a UTP Exchange chooses to access Nasdaq but does not accept automatic executions through SuperSOES, there is a potential for queuing in the system that could disrupt and slow the market, when that exchange is alone at the best quote in The Nasdaq Stock Market. To improve the trading environment for all of Nasdaq's valued market participants, and to avoid potential significant market disruptions, we are proposing to modify SuperSOES to remove non-automatic execution UTP Exchanges from the SuperSOES execution and order processing function.

Background

On January 14, 2000, the Commission approved a rule change to establish the NNMS and to modify Nasdaq's SelectNet Service with respect to Nasdaq National Market Securities (''NMS'').[7] On July 30, 2001, NNMS and the changes to SelectNet were implemented for all NMS issues. As approved and implemented, Nasdaq market participants can use two systems to trade NMS issues: A reconfigured Small Order Execution System (''SOES'')—the NNMS—and a reconfigured SelectNet system. SuperSOES is an automated execution system that allows the entry of orders for up to 999,999 shares.[8] By removing the size and capacity restrictions from

[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(3)(A).

[2] 17 CFR 240.19b–4(f)(6).

[3] Nasdaq asked the Commission to waive the 30-day operative delay. *See* Rule 19b–4(f)(6)(iii). 17 CFR 240.19b–4(f)(6)(iii).

[4] The temporary approval of the pilot expired February 28, 2002. *See* Exchange Act Release No. 45047 (November 8, 2001), 66 FR 57496 (November 15, 2001).

[5] In July 2001, the Commission approved a rule change to permit UTP Exchanges to participate on a voluntary basis in SuperSOES. *See* Exchange Act Release No. 44526 (July 6, 2001), 66 FR 36814 (July 13, 2001).

[6] In SR–NASD–2001–69, filed October 4, 2001, Nasdaq identified and attempted to address the above concern, as well as a second concern. Specifically, permitting UTP Exchanges to participate in Nasdaq without automatic execution functionality perpetuates the potential for ''dual liability'' that Nasdaq designed SuperSOES to eliminate. The potential for dual liability exists when market participants, such as UTP Exchanges, send SelectNet liability messages to Nasdaq market makers that simultaneously receive executions through SuperSOES. Simultaneous with this filing, Nasdaq will amend SR–NASD–2001–69 to remove the material contained in this filing.

[7] *See* Exchange Act Release No. 42344 (January 14, 2000), 65 FR 3987 (January 25, 2000).

[8] SOES was limited to small agency orders for customers.

its principal automatic execution system, Nasdaq intended for most of the orders executed through Nasdaq's systems to migrate to SuperSOES. Consistent with that approach, access to SelectNet was limited to certain types of non-liability orders that require negotiation with the receiving market participant.[9]

As was the case with SOES, Nasdaq market makers are required to participate in SuperSOES and, therefore, to accept automatic execution against their displayed quotations. However, UTP Exchanges continue to have their quotes in Nasdaq accessed through SelectNet and, as such, are not required to accept automatic executions. Whereas Nasdaq can require, by rule, that its member ECNs provide immediate response to an inbound SelectNet order, it has no authority to extend that requirement to a UTP Exchange. As a result, when a UTP Exchange is alone at the best bid/best offer for a particular security, and that UTP Exchange is only accessible through SelectNet, SuperSOES will stop processing orders in that security and will hold those orders in queue for up to 90 seconds.

This pause serves two purposes. First, it provides a Nasdaq market participant the opportunity to send a SelectNet liability message to the UTP Exchange (if that exchange has chosen to participate in SelectNet[10]), but at the risk of substantial queuing of market and marketable limit orders for that security as the Nasdaq market participant awaits a response to its order. Second, it enables a SuperSOES market participant (*i.e.*, market maker, Full Participant ECN, or participating UTP Exchange) to join the current best bid/best offer or create a new best bid/best offer.[11]

If, after 90 seconds, a SuperSOES market participant does not join the current best bid/best offer, and the UTP Exchange does not respond to its inbound SelectNet order, SuperSOES returns the orders that are in queue and the system shuts down for that security. The system will only resume once the UTP Exchange responds to orders delivered to its quote, or moves its quote away from the inside.[12] Such delays will adversely impact Nasdaq's ability to ensure the proper functioning of our market through a major Nasdaq market system, and to enable market participants to obtain executions for their customers.

SuperSOES increases the speed of executions and improves the access of all market participants to the full depth of a security's trading interest. The volume and speed at which trading occurs in Nasdaq have increased dramatically from when SuperSOES was first proposed nearly two and a half years ago. While SelectNet was adequate as the primary means of UTP Exchange access in the past, this no longer is true. Market participants demand and require the ability to access liquidity at the best prices instantaneously. Because Nasdaq cannot compel UTP Exchanges to provide an automated, immediate response to outbound Nasdaq orders, Nasdaq must be able to trade through the quotations of UTP Exchange participants that do not participate in Nasdaq via automatic execution.

Proposed Amendment

To address these problems, Nasdaq proposed, and the Commission approved, a pilot to amend NASD Rule 4710 to require that UTP Exchanges that voluntarily choose to trade Nasdaq securities through Nasdaq market systems either participate fully in the automatic executions through SuperSOES, or participate in SelectNet pursuant to existing NASD Rules and have their quotations removed from the SuperSOES execution and order processing functionality. Specifically, if a UTP Exchange elects not to participate in SuperSOES (in favor of SelectNet or the telephone), the UTP Exchange's quote will not be accessed through SuperSOES. In this case, SuperSOES will not include that UTP Exchange's quotation for order processing and execution purposes. This will prevent a UTP Exchange that is not otherwise accessible via SuperSOES from effectively shutting down the market in that security.[13]

UTP Exchanges that choose this option would be accessible by telephone as contemplated in the Nasdaq UTP Plan,[14] via SelectNet (pending approval of Nasdaq's proposal to eliminate UTP Exchange access to SelectNet), or via a mutually agreed-upon alternative bilateral link created by the UTP Exchange.[15] Nasdaq welcomes the opportunity to explore the possibility of bilateral linkages, which Nasdaq anticipates could be formed via separate agreement between Nasdaq and the exchange(s).

Nasdaq is proposing the pilot for a number of reasons. First, significant changes in market conditions have resulted in the need for Nasdaq, via SuperSOES, to increase the speed of executions and improve the access of all market participants to the full depth of a security's trading interest. The volume and speed at which trading occurs in Nasdaq have increased dramatically since SuperSOES was first proposed nearly two and a half years ago. Market participants demand and require the ability to access liquidity at the best prices instantaneously. SuperSOES is a significant improvement over prior Nasdaq execution systems, and has become the backbone of our marketplace by providing market participants with a more efficient trading platform as evidenced by faster executions, higher fill rates, larger orders, and prices at the best bid or best offer.

Nasdaq wants to ensure that the market in a particular security does not shut down—thereby harming investors and the market—if there is an unresponsive UTP Exchange setting the current best bid/best offer for that security. The system recognizes the

[9] As originally proposed, market participants were permitted to enter into the modified SelectNet only: (1) Those orders that specify a minimum acceptable quantity for a size that is at least 100 shares greater than the posted quote of the receiving market participant; or (2) All-or-None orders that are at least 100 shares in excess of the displayed bid bid/offer size. Since the original proposal, the SEC has also approved the entry of non-liability, inferior-priced orders through SelectNet.

[10] The Cincinnati Stock Exchange does not participate in any Nasdaq market systems. Instead, it relies on the language in The Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination Of Quotation and Transaction Information For Exchange-Listed Nasdaq/National Market System Securities Traded On Exchanges On An Unlisted Trading Privilege Basis (the ''Nasdaq UTP Plan''), and provides only telephone access to its quotes.

[11] This pause occurs because the quotes of UTP Exchanges and Order Entry ECNs are not accessible through SuperSOES, but only through the order-delivery portion of the system.

[12] To illustrate, assume CHX does not participate in SuperSOES and is alone at the current best bid of $20 for 1000 shares of ABCD. MMA enters an order into SuperSOES, and MMB directs (or preferences) 1,000 shares via SelectNet to CHX. If no other market maker or Full Participant ECN joins the current best bid of $20, SuperSOES stops processing orders in ABCD for 90 seconds. CHX waits 2 minutes before responding to MMB's preferenced SelectNet liability order either by filling or declining the order. (This delay could occur if there are equipment problems at CHX, in Nasdaq, or both.) The result is that the market in ABCD effectively is held up for 2 minutes and SuperSOES is shut off for ABCD (after 90 seconds.)

[13] The Nasdaq UTP Plan governs the trading of Nasdaq-listed securities pursuant to unlisted trading privileges. Subsection (b) of Section IX of the Nasdaq UTP Plan states, in pertinent part, that Plan participants ''shall have direct telephone access to the trading desk of each Nasdaq market participant in each [e]ligible [s]ecurity in which the [p]articipant displays quotations.'' *See* Section IX, Market Access, of the Nasdaq UTP Plan.

[14] We note that this currently is the method that the Cincinnati Stock Exchange has elected to use for trading Nasdaq securities under the Nasdaq UTP Plan.

[15] This proposal would not preclude a UTP Exchange from forming a link with Nasdaq outside Nasdaq's market system or the parameters of an NMS plan.

importance of maintaining price priority and ensuring that market participants receive the best possible price in the market. As such, SuperSOES was originally designed not to trade through the best quote that appears in the Nasdaq montage. However, that premise assumed all quotes would be immediately accessible.[16] SuperSOES must be able to continue operating when a particular quote is not accessible by market participants. To that end, if a UTP Exchange chooses not to participate in SuperSOES, and that UTP Exchange sets the inside bid or ask, Nasdaq will enable SuperSOES not to include that UTP Exchange's quotation for order processing and execution.

Participation in SuperSOES by a UTP Exchange is a voluntary action by each exchange. Nasdaq is not obligated to provide UTP Exchanges with access to any of Nasdaq's proprietary systems. Nasdaq's voluntary action, designed to improve efficiency and maintain an orderly market, should not become an opportunity for a Nasdaq competitor to harm the ability of Nasdaq to improve its markets.

Overall, Nasdaq believes it was appropriate to alter the terms under which a UTP Exchange participates in The Nasdaq Stock Market to address all of the concerns described in this proposal. For the same reasons, it is important to continue the pilot program to preserve the status quo as additional UTP Exchanges prepare to commence trading Nasdaq securities.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of section 15A(b)(6) of the Act, in that the proposal is designed to facilitate transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. In particular, Nasdaq believes that modifying SuperSOES to trade through quotations of non-automatic execution UTP Exchanges is necessary for the fair and orderly operation of The Nasdaq Stock Market by helping to reduce the potential for order queuing or for system stoppages, when a UTP Exchange's quote is inaccessible and is alone at the best bid or best offer.

[16] Order Entry ECNs are not subject to inbound automatic executions in SuperSOES. However, as NASD members, Order Entry ECNs are subject to NASD Rules and the enforcement and disciplinary powers granted therein. As non-members, UTP Exchanges are not subject to the same regulatory infrastructure.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

(i) Significantly affect the protection of investors or the public interest;

(ii) Impose any significant burden on competition; and

(iii) Become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to section 19(b)(3)(A) of the Act[17] and Rule 19b–4(f)(6), thereunder.[18] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate the 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.

Nasdaq has requested that the Commission waive the 30-day operative delay. The Commission finds good cause to waive both the 5-day pre-filing notice requirement and the 30-day operative delay, because the waivers are consistent with the protection of investors and the public interest. Acceleration of the operative date will permit the NASD pilot to continue in operation without interruption. Nasdaq states that the pilot reduces the potential for a shut down in Nasdaq's automatic execution systems. For these reasons, the Commission finds good cause to waive both the 5-day pre-filing requirement and the 30-day operative date.[19]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal 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 Room. Copies of the filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–2002–31 and should be submitted by March 29, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[20]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 02–5550 Filed 3–7–02; 8:45 am]

BILLING CODE 8010–01–P

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(6).

[19] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[20] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 3887]

United States International Telecommunication Advisory Committee, Telecommunication Standardization (ITU and CITEL) Agendas; Notice of Meetings

The Department of State announces meetings of the U.S. International Telecommunication Advisory Committee. The purpose of the Committee is to advise the Department on policy and technical issues with respect to the International Telecommunication Union (ITU). These meetings will address preparations for ITU-T Study Group Meetings.

• The ITAC will meet to prepare for the June 2002 meeting of the Telecommunication Sector Advisory Group (TSAG) from 9:30 to noon on April 17, May 15, and May 29. The April 17 meeting will be held at the Alliance for Telecommunications Industry Solutions (ATIS), 1200 G Street NW., Suite 350, Washington, DC, and the May 15 meeting will be held at TIA, 1300 Pennsylvania Avenue NW., Suite 350, Washington, DC. The May 29

meeting will be in Washington, DC in a location to be announced.

• The ITAC will meet to prepare for the next meeting of ITU–T Study Group 2 on March 12, 2002 from 9:30 to noon at the Federal Communications Commission, 445 12th Street, Washington, DC (room 5–B516), on April 3 at a location and time to be announced, and April 17 at ATIS, 1200 G Street NW., Suite 350, Washington, DC from 1:30 to 3:30.

• The ITAC will meet to prepare for the next meeting of ITU–T Study Group 3 on April 4 from 9:30 to noon at Compass Rose International, 888 17th Street NW., Suite 900, Washington, DC, and May 22 from 9:30 to noon in Washington, DC at a location to be announced.

• The ITAC will meet to prepare for the next meeting of ITU–T Study Group 4 on March 21 at Communications Technologies Inc. (COMTek), 14151 Newbrook Drive, Suite 400, Chantilly, VA 20151 beginning at 9:30.

• The ITAC will meet to prepare for the next meeting of ITU–T Study Group 9 for normal contributions by email on the SGD reflector between March 17 and March 28 and for delayed contributions on May 16 from 9:30 to noon in Washington, DC at a location to be announced.

• The ITAC will meet by email on the SGA reflector between May 2 and May 10 to prepare for ITU–T Study Group 12.

• The ITAC will meet to prepare for the next meeting of ITU–T Study Group 15 on April 12 from about noon to 4:00. This meeting will take place at the Westin Peachtree Plaza, 210 Peachtree Street, Atlanta, GA.

• The ITAC will meet by email on the SGB reflector between May 6 and May 10 to prepare for the next Special Study Group on IMT–2000 and beyond.

• The ITAC will meet on March 13, 2002 at TIA, 1300 Pennsylvania Avenue, Suite 350, Washington, DC to prepare for the next CITEL PCC.I meeting.

• Members of the general public may attend these meetings. Directions to meeting location and actual room assignments may be determined by calling the ITAC Secretariat at 202 647–0965 or e-mail to *minardje@state.gov*. Directions for joining e-mail meetings may be obtained by calling the Secretariat at 202 647–0965.

Attendees may join in the discussions, subject to the instructions of the Chair. Admission of participants will be limited to seating available.

Dated: March 2, 2002.

Doreen McGirr,

Director, ITU–D Affairs, Department of State.

[FR Doc. 02–5647 Filed 3–7–02; 8:45 am]

BILLING CODE 4710–45–P

DEPARTMENT OF STATE

[Public Notice 3911]

Shipping Coordinating Committee; Notice of Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 2 p.m. on Wednesday, March 27, 2002, in Room 2415 of the United States Coast Guard Headquarters Building, 2100 2nd Street SW., Washington, DC 20593–0001. The primary purpose of the meeting is to prepare for the 10th Session of the International Maritime Organization (IMO) Sub-Committee on Flag State Implementation to be held at IMO Headquarters in London, England from April 8th to 12th.

The primary matters to be considered include:

—Responsibilities of Governments and measures to encourage flag State compliance;

—Self-assessment of flag State performance;

—Implications arising when a vessel loses the right to fly the flag of a State;

—Regional cooperation on port State control;

—Reporting procedures on port State control detentions and analysis and evaluation of reports;

—Mandatory reports under International convention for the Prevention of Pollution (MARPOL 73/78);

—Casualty statistics and investigations;

—Review of resolutions A.744(18) and A.746(18);

—Illegal, unregulated and unreported (IUU) fishing and related matters;

—Matters related to the Commission on Sustainable Development;

—Development of guidelines for survey and certification for anti-fouling paints.

Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may seek information by writing to Commander Linda Fagan, Commandant (G–MOC), U.S. Coast Guard Headquarters, 2100 2nd Street, SW., Room 1116, Washington, DC 20593–0001, or by calling (202) 267–0972.

Dated: March 1, 2002.

Stephen Miller,

Executive Secretary, Shipping Coordinating Committee, Department of State.

[FR Doc. 02–5648 Filed 3–7–02; 8:45 am]

BILLING CODE 4710–07–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket OST–2002–11590]

Notice of Order Soliciting Community Proposals

AGENCY: Department of Transportation.

ACTION: Notice of order soliciting community proposals (Order 2002–2–11).

SUMMARY: The Department of Transportation is instituting a new small community air service development program by soliciting an initial round of proposals from interested communities and consortiums of communities. On Thursday, February 28, 2002, the Department published this Notice in the **Federal Register** [67 FR 9351]. However, Order 2002–2–11, intended to be added as an attachment to this Notice, was inadvertently not published on February 28, 2002. The aforementioned Order has now been included and appears in full text as an attachment to this document.

DATES: Proposals should be submitted no later than April 22, 2002.

ADDRESSES: Interested parties should submit an original and five copies of their proposals, bearing the title ''Proposal under the Small Community Air Service Development Pilot Program, Docket OST–2002–11590'' as well as the name of the community or consortium of communities, and the legal sponsor, to the Docket Operations and Media Management Division, SVC–124, Room PL–401, Department of Transportation, 400 7th Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Matthew C. Harris, Special Assistant to the Assistant Secretary for Aviation and International Affairs, Department of Transportation, 400 7th Street, SW., Washington, DC 20590 (202) 366–8822.

Dated: March 4, 2002.

Read C. Van de Water,

Assistant Secretary for Aviation and International Affairs.

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket OST–2002–11590]

Institution of the Small Community Air Service Development Pilot Program under 49

U.S.C. 41743 *et seq.*; Order Soliciting Community Proposals
Issued by the Department of Transportation on the 13th day of February, 2002.

SUMMARY: By this order, the Department is instituting a new small community air service development pilot program by soliciting an initial round of proposals from interested communities and consortiums of communities. Proposals should be submitted no later than 60 days after the date of service of this order to ensure priority consideration.

Background

On April 5, 2000, the President signed the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR–21), P.L. 106–181. Among other things, the statute establishes a new pilot program designed to help smaller communities to enhance their air service. To fund the program, the statute authorized a funding level of $20.0 million for fiscal year 2001 and $27.5 million for each of fiscal years 2002 and 2003. (Financial assistance is not the only type of assistance under the program. For example, in appropriate situations, the Department can assist a community in trying to get joint ticketing and other ''through'' services from a network carrier at the connecting hub.) No funds were appropriated for the first year, but in the Department's FY 2002 appropriation bill, P.L. 107–42, Congress appropriated $20 million for the program. The statute directs the Secretary to assist communities in developing projects that will enhance their access to the National air transportation system through public-private partnerships, and to help communities overcome factors that might be inhibiting improvements in their current air service.[1]

Specifically, the law authorizes the Secretary to provide financial assistance (direct financial assistance to an air carrier is limited to three years) to as many as 40 communities nationwide at any given time, though no more than four of those may be from the same state.[2] While no community is required to contribute a portion or share of the cost of this program, the law directs the Secretary to give priority to those communities or consortia of communities where: (a) average air fares are higher than the air fares for all communities; (b) a portion of the cost of the activity contemplated by the community is provided from local, non-airport revenue sources; (c) a public-private partnership has been or will be established to facilitate air carrier service to the public; and (d) improved service will bring the material benefits of scheduled air transportation to a broad section of the traveling public, including businesses, educational institutions, and other enterprises whose access to the National air transportation system is limited.

Participation in the program will remain open and thus is not necessarily limited to those communities that initially apply for and receive funding. We would consider additional proposals over the balance of the program's life if funds remain unexpended.

Community Proposals

The new law is very general about how program funding can be used. Moreover, we recognize that each community's circumstances may be different, and that each community needs some latitude in identifying its own objectives and developing strategies for accomplishing them. What should remain clear, however, is that program funding is intended to improve air service to those communities that are not receiving sufficient air service or are experiencing unreasonably high air fares, and not to shift existing costs from the local or state level to the federal level.

There is a host of means by which a community might enhance its present air service or attract new service, such as: by promoting awareness among residents of locally available service; by attracting a new carrier through revenue guarantees or operating cost offsets; by offering an incumbent carrier financial incentives to lower its fares, increase its frequencies, add new routes, or deploy larger, faster aircraft, including upgrading its equipment from turboprops to regional jets. The core objective of the pilot program is to secure enhancements that will be responsive to a community's air transportation needs and whose benefits can be expected to continue after the initial expenditures.

Consequently, we encourage communities and consortiums of communities to consider a wide range of initiatives in developing their proposals. At the same time, we will not entertain general, vague, or unsupported proposals. Also, the more highly defined a proposal is, the more likely it will receive favorable consideration. At a minimum, we expect proposals to address the following areas specifically:

- A description of the community's existing air service, including service frequency, direct and connecting destinations offered, available fares, and equipment types.
- A synopsis of the community's historical service including destinations, traffic levels, service providers, and any extenuating factors that might have affected traffic in the past or that can be expected to influence service needs in the near to intermediate term.
- An analysis of the community's air service needs or deficiencies, including a comparison of fares currently offered at the community to those offered at similar communities in similarly served markets.
- A strategic plan for meeting those needs through the pilot program, including the community's specific project goal and a timetable for attaining that goal. As noted above, we expect that self-sufficiency of the new or improved service will be an integral part of the community's goal. Applicants should not assume a multi-year award. Moreover, many communities might find that a single funding award for one year would be sufficient to finance their projects, or resolve their service or fare issue.
- A description of the public-private partnership that will be responsible for the program developed at the local level. The partnership can either be an existing organization or an entirely new one. A public member of the organization should be identified as the community's sponsor to accept program reimbursements.
- An analysis of the funding necessary for implementation of the community's project, including the federal and non-federal contributions. In calculating the non-federal contribution, we anticipate that we would not recognize contributions that simply continue already-existing programs or projects; ideally, the contributions should represent new financial resources devoted to attracting new or improved service, or addressing a specific high-fare issue. Furthermore, while we will consider proposals that employ in-kind trading (for example, reduced landing fees or terminal rent or non-cash transactions such as free advertising in exchange for reduced-fare travel), as a general matter, in-kind trading is frequently hard to quantify and may put a community at a competitive disadvantage when compared to other communities whose proposals include straight cash contributions.
- An explanation of how the community will provide assurances that its own funding contribution is spent in the manner proposed.

[1] See Appendix A for the actual text of the authorizing statute.

[2] The statute specifies that a consortium of communities should be considered as a single entity.

• Descriptions of how the community or consortium of communities will monitor the success of the program and how they intend to notify the Department of critical milestones during the life of the program, including the need to modify, or discontinue funding.

• We are not encouraging proposals that rely primarily on diverting passengers for whom a neighboring airport would be most convenient. Rather, we would encourage proposals that attempt to stimulate new demand at the local airport and make that service more attractive such that local passengers would no longer have the incentives to drive to a more distant airport. Proposals should clearly identify the target audience of all advertising and promotion efforts.

Proposals are due 60 days after the date of service of this order.[3] Proposals filed after that date will be accepted, but those filed within the 60-day period will be given priority consideration.

Department Review

The Department will carefully review each proposal and the staff may contact applicants and discuss their proposals with them if clarifications or more information is needed. At that time, the communities will have an opportunity to amend their proposals. Department staff will then review the final proposals before recommending appropriate action for final consideration.

In general terms, our review will focus on the following questions:

• Is the community truly experiencing insufficient air service or higher than average air fares when compared to similar communities?

• Does the proposal represent the best and most efficient method of meeting that need, given the community's circumstances?

• Are the community's objectives attainable during the funding period requested? Is there a realistic prospect that the enhanced service—in terms of quantity, quality, or price—could be sustained beyond the end of the funding period?

• Is there low-fare service within a reasonable distance of the community that may affect the potential for the community's project to be successful?

• Has a public-private partnership been identified to be responsible for the program at the local level? Has a public agency or organization been identified as the local sponsor to serve as a clearinghouse to submit reimbursement requests and receive program funding from the Department? Have protections been established to ensure that money intended for this project cannot be diverted to other uses?

• Is the requested funding level appropriate for the project being proposed? Has the community proposed an acceptable method to modify or suspend the requested funding prior to the end of the planned funding period if the project is not attaining the desired results?

Interested communities should submit an original and five copies of their proposals, bearing the title ''Proposal under the Small Community Air Service Development Pilot Program'' as well as the name of the community or consortium of communities, the legal sponsor, and the docket number as shown on the first page of this order, to the Docket Operations and Media Management Division, SVC–124, Room PL–401, Department of Transportation, 400 7th Street, SW., Washington DC 20590. Questions regarding the new program or the filing of proposals should be directed to Matthew C. Harris, Special Assistant to the Assistant Secretary for Aviation and International Affairs, at (202) 366–8822 or *matt.harris@ost.dot.gov.*

This order is issued under authority delegated in 49 CFR 1.56a(f).

Accordingly,

1. Community proposals for funding under the Small Community Air Service Development Pilot Program should be submitted no later than 60 days after the date of service of this order. Subsequent proposals will be considered on an ad hoc basis; and

2. This docket will remain open until further order of the Department.

This order will be published in the **Federal Register**.

Read C. Van de Water,
Assistant Secretary for Aviation and International Affairs.

Appendix A

Sec. 203. Improved Air Carrier Service to Airports not Receiving Sufficient Service

(a) *In General*—Subchapter II of chapter 417 is amended by adding at the end the following:

Sec. 41743. Airports not receiving sufficient service

(a) *Small Community Air Service Development Pilot Program*—The Secretary of Transportation shall establish a pilot program that meets the requirements of this section for improving air carrier service to airports not receiving sufficient air carrier service.

(b) *Application Required*—In order to participate in the program established under subsection (a), a community or consortium of communities shall submit an application to the Secretary in such form, at such time, and containing such information as the Secretary may require, including—

(1) An assessment of the need of the community or consortium for access, or improved access, to the national air transportation system; and

(2) An analysis of the application of the criteria in subsection (c) to that community or consortium.

(c) *Criteria for Participation*—In selecting communities, or consortia of communities, for participation in the program established under subsection (a), the Secretary shall apply the following criteria:

(1) *Size*—For calendar year 1997, the airport serving the community or consortium was not larger than a small hub airport (as that term is defined in section 41731(a)(5)), and—

(A) Had insufficient air carrier service; or

(B) Had unreasonably high air fares.

(2) *Characteristics*—The airport presents characteristics, such as geographic diversity or unique circumstances, that will demonstrate the need for, and feasibility of, the program established under subsection (a).

(3) *State Limit*—No more than four communities or consortia of communities, or a combination thereof, may be located in the same State.

(4) *Overall Limit*—No more than 40 communities or consortia of communities, or a combination thereof, may be selected to participate in the program.

(5) *Priorities*—The Secretary shall give priority to communities or consortia of communities where—

(A) Air fares are higher than the average air fares for all communities;

(B) The community or consortium will provide a portion of the cost of the activity to be assisted under the program from local sources other than airport revenues;

(C) The community or consortium has established, or will establish, a public-private partnership to facilitate air carrier service to the public; and

(D) The assistance will provide material benefits to a broad segment of the traveling public, including business, educational institutions, and other enterprises, whose access to the national air transportation system is limited.

(d) *Types of Assistance*—The Secretary may use amounts made available under this section—

(1) To provide assistance to an air carrier to subsidize service to and from an underserved airport for a period not to exceed 3 years;

(2) To provide assistance to an underserved airport to obtain service to and from the underserved airport; and

(3) To provide assistance to an underserved airport to implement such other measures as the Secretary, in consultation with such airport, considers appropriate to improve air service both in terms of the cost of such service to consumers and the availability of such service, including improving air service through marketing and promotion of air service and enhanced utilization of airport facilities.

(e) *Authority to Make Agreements*—

(1) *In General*—The Secretary may make agreements to provide assistance under this section.

(2) *Authorization of Appropriations*—There is authorized to be appropriated to the

[3] See Appendix B for additional application information.

Secretary $20,000,000 for fiscal year 2001 and $27,500,000 for each of fiscal years 2002 and 2003 to carry out this section. Such sums shall remain available until expended.

(f) *Additional Action*—Under the pilot program established under subsection (a), the Secretary shall work with air carriers providing service to participating communities and major air carriers (as defined in section 41716(a)(2)) serving large hub airports (as defined in section 41731(a)(3)) to facilitate joint-fare arrangements consistent with normal industry practice.

(g) *Designation of Responsible Official*—The Secretary shall designate an employee of the Department of Transportation—

(1) To function as a facilitator between small communities and air carriers;

(2) To carry out this section;

(3) To ensure that the Bureau of Transportation Statistics collects data on passenger information to assess the service needs of small communities;

(4) To work with and coordinate efforts with other Federal, State, and local agencies to increase the viability of service to small communities and the creation of aviation development zones; and

(5) To provide policy recommendations to the Secretary and Congress that will ensure that small communities have access to quality, affordable air transportation services.

(h) *Air Service Development Zone*—The Secretary shall designate an airport in the program as an Air Service Development Zone and work with the community or consortium on means to attract business to the area surrounding the airport, to develop land use options for the area, and provide data, working with the Department of Commerce and other agencies.'.

(b) *Conforming Amendment*—The analysis for subchapter II of chapter 417 is amended by adding at the end the following: 41743. Airports not receiving sufficient service.'.

Appendix B

Small Community Air Service Development Pilot Program Grant Application

General, Review Criteria, Deadline

Congress recently approved a new Federal program within the Department of Transportation to assist small communities with efforts to address scheduled air service deficiencies. The Department of Transportation's Office of Aviation and International Affairs has been assigned the responsibility to design and implement this new program in such a way as to help local communities implement air service development strategies to address a variety of issues related to high air fares and poor service. At the heart of the new program is a scaled grant-in-aid formula similar in some respects to the grant allocation formula used by the Federal Aviation Administration to administer the Airport Improvement Program. In order to participate in the Pilot program, a community, or a consortium of communities, must submit a Grant Application, described below. Once the Application has been reviewed, the Department will issue a proposed Grant Offer and Grant Agreement to each airport, community, or consortium of communities selected for inclusion in the program.

The Department's selection of those airports and communities to be included in the Pilot Program will be based on the following objective criteria and none other:

- Relative size of each applicant community;
- Geographic location of each applicant;
- Grant amount requested compared with total funds available for all communities;
- Proposed federal grant amount compared with local share offered;
- Uniqueness of applicants' claimed problem(s); and
- Relative ability of applicant to resolve or address claimed problem(s).

An original and five copies of each application should be submitted by the end of the 60-day period commencing with the date of service of this order. Applications that are submitted after that date, or applications that are incomplete, will be considered for inclusion in the program only if funds remain after all other successful pending applications have been funded. If an incomplete or incorrect application is submitted early in the 60-day period, the DOT staff will contact the applicant and provide the applicant an opportunity to complete or correct the application.

Grant Application, Grant Offer and Grant Agreement; When To Proceed

Because each airport community's needs are different, the Department expects to see a variety of grant-in-aid requests. There is no exact format to follow or form to fill out per se. Each community should submit an application containing as much detail as possible, both to describe the recent history of local air service, efforts on the part of the community to address service deficiencies, the current service situation, and the service issues and opportunities assistance from the Federal government will help to address.

Please be aware that applicants should not assume they have received a grant-in-aid until they have received and executed a Grant Agreement. All grant funds are provided on a reimbursable basis and only for expenses incurred and billed during the period the Grant Agreement is in effect. There can be no exceptions.

Who Is Eligible to Participate in This Grant Program?

This is a grant-in-aid program designed to help local communities deal effectively with actual air service problems or opportunities. By P.L. 106–181, in order to be eligible, the airport serving the community or consortium was a small hub or nonhub airport in calendar year 1997. (49 U.S.C. 41743(C)(1).) The recognized owner or operator of any public-use airport in the United States may submit a Grant Application. In addition, a local chamber of commerce, an air service task force, or a similar organization or group of local organizations may serve as the ''unofficial'' sponsor as long as a local government unit executes the Grant Agreement as a co-sponsor on behalf of the local non-public organization.

What should the application consist of?

- A cover letter describing the Grant Request, the sponsoring government entity and any co-sponsors;
- Airport operating budgets for the previous two years showing revenues and expenses. Expenses and revenues should be broken down on an object basis according to GAAP.
- Airport operating budget for the current fiscal or calendar year showing planned expenses and anticipated revenues;
- Air Service Development Action Plan—general description, including as much detail as possible.
  - What is the primary objective of your plan?
  - What do you hope to accomplish: upgraded service, new hubs, more airlines, lower fares, more frequent flights, etc.?
  - What do you not expect to accomplish with this grant?
  - If you intend to conduct a study(s) as a portion of your action plan, what type will you conduct: deficiency studies, ticket lift surveys, parking lot studies, zip code studies, passenger surveys, demographic comparisons, fare analyses, traffic bleed analyses, other?
  - Will you hire to fill any full-time equivalent position(s) to carry out the action plan now or in the future?
  - Will you make use of local universities in any travel-related surveys?
  - Do you expect to hire or employ any type of consulting firm or public-relations firm to assist you?
  - If you have an existing Action Plan that a Federal grant from this program will assist, show existing funding sources and amounts, and describe the existing program with sufficient detail to explain or define the past, the current situation, and any existing 5-year, 10-year, and 20-year plans.
  - If this is a new program, what are the immediate, mid-term, and long-term goals?
  - Does the airport have an existing master plan or airport layout plan that details any airside or groundside capacity-related projects that must be completed or will be required if the airport is successful in reaching its goal?
  - Are Federal AIP funds currently obligated, through a Letter of Intent or otherwise, for any Federal-eligible project identified above?
  - What is the construction time-line of all Federal-eligible projects identified above?
  - How should the effectiveness of your Action Plan be measured?
- Budget for near-term (immediate to five-year) air service improvement strategies—immediate action plan
- Anticipated local share
  - Actual funds from all sources, including local government (budgeted amount, current, and projected for the proposed life of the Grant Agreement), local businesses and organizations (contributions), airlines, airport users.
  - Value and description of in-kind services.
- Anticipated state contribution
  - Actual funds from current programs

- Anticipated new funds for this program
- Expected Federal contribution
  - Budget request
- Total of all Funds Available for Action Plan
- Projected budget for mid-term and long-term (5-year and beyond) Air Service Improvement Strategies
- Expected local contribution
  - Actual funds from all sources, including local government (budgeted amount, current and projected for the proposed life of the Grant Agreement), local businesses and organizations (contributions), airlines, airport users.
  - Value and description of in-kind services
- Expected state contribution
  - Actual funds from current programs
  - Anticipated new funds for this program

How Can Pilot Program Funds Be Used?

Pilot Program funds can be used to cover the expenses of any new advertising or promotional activities that can reasonably be related to improving the scheduled air service to the community. Funds may be used for any type of new media advertising; for new studies designed to measure air service deficiencies, or to measure traffic loss or bleed to other communities; for new expenses associated with conducting promotional activities; and for the employment of new dedicated air service development staff on a long-term basis, advertising or public relations agencies, universities, and consulting firms.

Design of Pilot Program

This Small Community Air Service Development Pilot Program is designed to help individual communities address a variety of service issues. Indeed, because air service problems can run the gamut of issues from low frequency and wrong equipment to high fares and wrong markets, there is no one program that will be ''right'' for every community. Certain things are well known, however, that will allow the Department to channel the limited grant resources in this Pilot Program to those communities where it will do the most good.

Why Are Large and Medium Hubs not Included in the Pilot Program?

Congress limited eligibility to small hubs and smaller airports based on calendar year 1997 designations.

What Is an Appropriate Local Share of the Project's Cost?

A local share is not required to receive a grant under the Pilot Program, although it will be considered a positive element. To the extent that a grant under this program would enhance a community's ongoing effort to improve its local air service, a local share would be appropriate and may help the Department to extend the benefits of the program to a larger pool of communities. We would anticipate that larger airports would seek a larger grant amount and submit proposals showing a larger local/state share.

Grant Application Checklist

- Airport and community name
  Address
  Contact person w/phone number
- Additional community members
  Addresses
  Contact persons w/phone numbers
- Project Sponsor (If different from above)
  Address
  Contact person w/phone number
- Project Proposal
  - Project description
  - Project duration
  - Project elements
  - Project Cost
  - Local share
  - Public funds
  - Private funds
  - State share
  - Federal share
  - Total Cost $_____
- Proposed evaluation criteria

[FR Doc. 02–5635 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary; North American Free Trade Agreement Conference

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: This notice (1) announces a DOT-sponsored North American Free Trade Agreement (NAFTA) information conference, to be held at the Westin Riverwalk Hotel in San Antonio, Texas, May 29–31, 2002, (2) provides information about the conference for prospective attendees; and (3) identifies a dedicated website that will provide continuously updated information about the conference including registration information. U.S., Canadian, and Mexican government officials representing agencies that have inspection, security and other defined responsibilities affecting the clearance of cross-border transport operations will conduct panel sessions that convey information about their agency requirements affecting the operations of commercial truck and bus companies engaged in cross-border operations. This conference was originally scheduled to take place in October 2001, but was postponed following the terrorist attacks on the United States on September 11, 2001.

Background

Since 1982, the operation of most Mexican motor carriers in the United States has been limited by a statutory moratorium on DOT's granting of authority to those carriers to operate outside the commercial zones along the U.S.—Mexico border. The North American Free Trade Agreement (NAFTA) created a timetable for the gradual lifting of that moratorium over six years from entry into force of the agreement, and it provided for liberalizing investment restrictions on trucking companies established in Mexico and the United States. Liberalized access was to have begun in 1995, but the United States postponed implementation due to safety concerns. A NAFTA dispute resolution panel subsequently ruled that the U.S. blanket prohibition on processing Mexican motor carrier applications for authority to operate throughout the United States violated the NAFTA.

Since 1995, the United States has taken steps to augment its ability to assure compliance with U.S. motor carrier safety regulations. In addition, as part of DOT's FY–2002 appropriations act, the Congress specified a number of actions that the Department must take prior to processing Mexican motor carrier applications for authority to operate throughout the United States. In anticipation of a Presidential order lifting the moratorium, the Department is currently taking steps to comply with the provisions of the appropriations act and expects to be ready to process Mexican motor carrier applications for authority to operate throughout the United States by June 30, 2002. All foreign motor carriers operating in the United States are subject to the same federal and state regulations and procedures that apply to U.S. carriers. These include safety regulations, insurance requirements, tariff requirements, and payment of all taxes and fees. In addition, foreign motor carriers and drivers must comply with applicable customs and immigration laws and regulations. Under the NAFTA, these compliance obligations are completely reciprocal so that U.S. carriers and drivers are similarly obligated to comply with Canadian and Mexican statutory and regulatory requirements while conducting operations in those countries.

While U.S. and Canadian carriers have been conducting operations in each other's respective countries for some time, Mexican motor carriers will be operating in the United States for the first time once the NAFTA's access provisions are implemented. Similarly, operations into Mexico will be a new experience for most U.S. and Canadian motor carriers. The many federal and state regulatory requirements and the multiplicity of federal and state agencies imposing them may be confusing and intimidating to these first-time entrants and could discourage them from attempting to take advantage of the NAFTA's transportation provisions. For this reason, the Department of Transportation, in cooperation with Canada, Mexico, and other federal agencies will host a NAFTA information

conference in San Antonio, Texas, May 29–31, 2002 to promote an understanding of the requirements for legal cross-border motor carrier operations among the three NAFTA countries. The Department will be assisted in preparing for the conference by the Free Trade Alliance San Antonio.

Who Should Attend

This conference will be beneficial for government lawyers, commercial truck carriers, bus operators, customs brokers, shippers, and other companies and/or associations that have an interest in the conduct of cross-border business that will involve transport operations.

Meetings and Deadlines

The NAFTA conference will include panels that convey information about: (1) Applying for federal motor carrier operating authority; (2) immigration requirements for drivers operating outside of their own country; (3) Customs requirements for foreign trucks engaged in international operations; (4) agriculture regulations applicable to imported commodities; (5) tax obligations for companies operating commercial vehicles outside their own country; (6) motor carrier safety standards; (7) hazardous materials transportation safety regulations; (8) vehicle weight and dimensions standards; and other requirements. Other panels may be added as preparations for the conference progress. Representatives from the various agencies will be available following panel discussions to address questions from conference attendees. Finally, each attendee will be provided a resource book from each country containing additional information, contact names, e-mail and phone numbers that may be used to obtain additional information.

Languages

All conference sessions will be conducted either in English or Spanish with simultaneous translation. To the extent possible, agency representatives who address specific questions from attendees outside the formal panel sessions will be bilingual.

Updated Information and Hotel Registration

To provide a continuous source of updated conference information, the Department of Transportation's Office of International Transportation & Trade has established a Web site for prospective attendees and other interested parties. The DOT Web site will contain an updated schedule of events, guest speakers, and agendas for the panel sessions as they are developed. The Web site can be accessed by going to the DOT homepage at *www.dot.gov/NAFTA.*

The DOT Web site also has a link to the Free Trade Alliance San Antonio's Web site, where a registration form for the conference can be accessed and completed online. Registration forms can also be downloaded from the Web site and completed manually. Forms completed manually should be returned to the Free Trade Alliance, 203 South St. Mary's Street, Suite 130, San Antonio, Texas 78205, or faxed to 210–229–9724. Registration forms and information about the conference, hotel accommodations, and the city of San Antonio can also be obtained by writing to the Free Trade Alliance or by telephoning 210–229–9036.

All participants are requested to fill out a conference registration form. A block of rooms has been reserved at the Westin Riverwalk Hotel, 420 West Market Street, San Antonio, Texas 78205. Interested parties can contact the hotel by telephone at 210–224–6500 or by fax at 210–444–6000. Further information about accommodations can be found on the Free Trade Alliance Web site at *www.freetradealliance.org.*

Address and Phone Numbers

For further information please contact Eddie Carazo, U.S. Department of Transportation, OST/X–20, Room 10300, 400 Seventh Street, SW., Washington, DC 20590, telephone (202) 366–2892, or fax (202) 366–7417.

Dated: February 28, 2002.

Bernestine Allen,

Director, Office of International Transportation and Trade.

[FR Doc. 02–5625 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Policy Statement Number ANM–01–02]

FAA Policy on Type Certification Assessment of Thrust Management Systems

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final policy statement.

SUMMARY: This document announces an FAA policy applicable to the type certification of transport category airplanes. This document advises the public, in particular manufacturers of transport category airplanes and their suppliers, that the FAA intends to adopt a new policy concerning the type certification assessment of thrust management systems.

FOR FURTHER INFORMATION CONTACT: Mike McRae, Federal Aviation Administration, Transport Airplane Directorate, Transport Standards Staff, Propulsion/Mechanical Systems Branch, ANM–112, 1601 Lind Avenue SW., Renton, WA 98055–4056; telephone (425) 227–2133; fax (425) 227–1320; e-mail: *mike.mcrae@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA traditionally has certified automated thrust management features, such as autothrottles and ''target rating'' displays, on the basis that they are only conveniences to reduce crew workload and do not relieve the crew of any responsibility for assuring proper thrust management. Consequently, even when the crew is no longer directly involved in performing a given thrust management function, they must be ''aware'' when this function is not being performed safely. Further, when they do become ''aware'' of any thrust management malfunction, they must be capable of taking appropriate corrective action to safely address that malfunction.

For most thrust management systems (TMS) that the FAA has certified to date, this crew ''awareness'' has been accepted as coming from:

a. Inherent aircraft operational cues (for example, failure of the throttles to properly respond to an autothrottle command is usually assumed to be detectable by improper movement of the throttle levers, engine indications, or other inherent aircraft responses); or

b. Adherence to training and procedures (for example, crews are trained to cross-check the TMS ''target rating'' against the Quick Reference Handbook rating or the rating on a dispatch sheet); or

c. Dedicated failure detection and annunciation (for example, if the autothrottle detects that it cannot perform its function, under some circumstances it will automatically disconnect itself and announce that fact through a crew alerting feature).

Service History Involving TMS Issues

There have been at lest two recent accidents related to TMS effects:

1. *March 31, 1995, Tarom Airbus Model A310–300, Bucharest, Hungary:* The airplane crashed shortly after takeoff. The Romanian investigating team indicated that the probable cause of the accident was the combination of an autothrottle failure that generated

asymmetric thrust and the pilot's apparent failure to react quickly enough to the developing emergency.

2. *November 24, 1992, China Southern Boeing Model 737–300, Guilin, China:* The airplane crashed shortly before landing at Guilin. The Civil Aviation Administration of China team investigating the probable cause of the accident concluded that the right autothrottle did not react during descent and level off. As a result, the thrust asymmetry induced the airplane to roll to the right. The flightcrew failed to recognize the abnormality and make correction in time, ''followed by wrongful control input and crashed.''

Data from these accident investigations have provided evidence that it is incorrect to assume that the flightcrew will always detect and address potentially adverse TMS effects strictly from inherent operational cues.

Similarly, other service experience suggests that it is not reasonable to expect the flightcrew to adhere strictly to operational checks that are not specified in the flight manual, and that usually indicate the system is working correctly. It is not sufficient to find that the flightcrew ''should normally be able'' to detect and safety accommodate theses failures. Instead, it should be found that the flightcrew is anticipated ''always'' to safely accommodate these failures. This distinction is intended to differentiate between those ''human errors'' that are simply part of anticipated human behaviors and limitations, and those that are ''extraordinary'' or ''negligent.''

The FAA maintains that transport category airplane type designs should safely accommodate anticipated human errors. Therefore, the FAA has concluded that dedicated failure detection and annunciation is necessary to provide adequate ''crew awareness'' of TMS malfunctions.

Discussion of Proposed Policy Statement

On June 14, 2001, the FAA issued a notice of policy statement; request for comments (66 FR 32410) concerning how the FAA would evaluate various items when certifying automatic thrust management features in transport category airplanes. No comments were received. Accordingly, the FAA Policy on Type Certification Assessment of Thrust Management Systems is adopted as proposed.

Intent of This Policy Statement

The FAA intends the policy discussed in this document to ensure that the actual criticality of automated thrust management features is identified and adequately addressed during type certification compliance with the fail-safe requirements of Title 14, Code of Federal Regulations (CFR), part 25, including:

§ 25.901(c) (''Powerplant: Installation''),
§ 25.903(b) (''Engines''), and
§ 25.1309(b) (''Equipment, systems, and installations'').

This policy is included in a draft Advisory Circular (AC) 25.901–1X, ''Safety Assessment of Powerplant Installations,'' which the Aviation Rulemaking Advisory committee (ARAC) developed and submitted to the FAA as a recommendation for issuance. (Refer to 56 FR 2190, January 22, 1991, for more information about ARAC. Refer to 57 FR 58845, December 11, 1992, for more information about the ARAC–sponsored working group assigned to develop the recommendation.)

Draft AC 25.901–1X currently is part of a planned ''Safety Assessment'' rulemaking package that will include several proposed rules and advisory circulars. The FAA plans to issue those proposed documents for public comment at a future date. However, the FAA has chosen to publish this particular segment as a policy statement in advance of the complete AC 25.901–1X.

To reduce the exposure to accidents like those described above, the FAA will use this policy to identify and correct any similar unsafe conditions in the current transport fleet and for all future type certification activities.

Effect of Policy Statement

The policy stated in this document is not intended to establish a binding norm; it does not constitute a new regulation and the FAA would not apply or rely upon it as a regulation. The FAA Aircraft Certification Offices (ACO) that certify transport category airplanes and/or the thrust management systems installed on them should generally attempt to follow this policy, when appropriate. However, in determining compliance with certification standards, each ACO has the discretion not to apply these guidelines where it determines that they are inappropriate. Applicants should expect that the certificating officials will consider this information when making findings of compliance relevant to new certificate actions.

In addition, as with all advisory material, this policy statement identifies one means, but not the only means, of compliance.

The Policy Statement

Thrust Management Systems

A System Safety Assessment is essential for any airplane system that aids the crew in managing engine thrust (for example, computing target engine ratings, commanding engine thrust levels, *etc.*) At a minimum, the applicant must assess the system criticality and failure hazard classification.

The system criticality will depend on:

- The range of thrust management errors it could cause;
- The likelihood that the flightcrew will detect these errors and take appropriate corrective action; and
- The severity of the effects of these errors with and without intervention by the flightcrew.

The hazard classification will depend on the most severe effects anticipated from any system. The need for more in-depth analysis will depend upon such things as the system's complexity, novelty, initial failure hazard classification, and relationship to other aircraft systems.

Automated thrust management features, such as autothrottles and target rating displays, traditionally have been certified on the basis that they are only conveniences to reduce crew workload and do not relieve the flightcrew of any responsibility for assuring proper thrust management. In some cases, malfunctions of these systems can be considered minor, at most. However, for this to be valid, even when the flightcrew is no longer directly involved in performing a given thrust management function, the flightcrew must be provided with information concerning unsafe system operating conditions to enable them to take appropriate corrective action.

Consequently, failures within any automated thrust management feature that could create a catastrophe if not detected and properly accommodated by flightcrew action should be considered either:

1. a catastrophic failure condition when demonstrating compliance with § 25.1309(b) and/or § 25.901(c); or

2. an unsafe system operating condition when demonstrating compliance with the warning requirements of § 25.1309(c).

Issued in Renton, Washington, on February 22, 2002.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–5634 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: City of Manassas and Fairfax, Prince William and Loudoun Counties, VA

AGENCY: Federal Highway Administration.

ACTION: Notice of intent.

SUMMARY: The Federal Highway Administration (FHWA) is issuing this notice to advise the public of its intent to prepare an Environmental Impact Statement (EIS) for the Tri-County Parkway. The Tri-County Parkway has been conceptually conceived as a 10-mile long, four to six lane controlled access facility on new location linking Route 234 (Sudley Road) in the City of Manassas and Braddock Road in Loudoun County. The project is intended to address the need to accommodate projected growth and travel in the region over the next twenty years. Three public scoping meetings have been scheduled, one each in Fairfax, Prince William and Loudoun County, as part of the National Environmental Policy Act (NEPA) process to facilitate coordination and identify all of the issues that need to be addressed and taken into consideration in the EIS. These meetings will be held from March 19–21, 2002, from 5 p.m. to 7 p.m. at the following locations as part of the preparation of the EIS:

March 19, 2002—Westfield High School, 4700 Stonecroft Road, Chantilly, VA;

March 20, 2002—Arcola Elementary School, 24328 Goshen Road, Arcola, VA;

March 21, 2002—Stonewall Jackson H.S., 8820 Rixlew Lane, Manassas, VA;

One agency scoping meeting will be held on March 20, 2002, at 1 p.m. at the VDOT Northern Virginia District Office in Chantilly at 14685 Avion Parkway.

FOR FURTHER INFORMATION CONTACT: Edward Sundra, Senior Environmental Specialist, Federal Highway Administration, Post Office Box 10249, Richmond, Virginia 23240–0249, Telephone 804–775–3338; or Ken Wilkinson, Environmental Program Planner, Virginia Department of Transportation, 1401 East Broad Street, Richmond, Virginia, 23219–2000, Telephone 804–371–6758.

SUPPLEMENTARY INFORMATION: With this notice of intent, FHWA in cooperation with the VDOT, is initiating the NEPA process to prepare an EIS for the proposed Tri-County Parkway to address the need to accommodate projected growth and travel in the region. Section 4(f) of the Department of Transportation Act of 1966 may also be invoked as a result of the proposed project in which case a section 4(f) Evaluation will be prepared and included as part of the EIS.

Recognizing that NEPA requires the consideration of a reasonable range of alternatives that will address the purpose and need, the EIS will include a range of alternatives for detailed study consisting of the no-build alternative, transportation system management strategies, mass transit, and the improvement/upgrade of existing roadways (a.k.a. the low-build alternative). In addition, new location build alternatives will be developed, screened, and carried forward for detailed analysis in the draft EIS based on their ability to address the purpose and need while avoiding, minimizing, and mitigating impacts to known and sensitive resources to the extent practical.

Letters describing the proposed NEPA study and soliciting input will be sent to the appropriate Federal, State and local agencies and to organizations and citizens who have expressed or are known to have an interest or legal role in this proposal. A series of scoping meetings will be held as part of the NEPA process to facilitate local, state, and federal agency involvement and input into the project in an effort to identify all of the issues that need to be addressed in the EIS. The time and location of these scoping meetings is described above.

Private organizations, citizens, and interest groups will also have multiple opportunities to provide input into the development of the EIS. Two rounds of three Citizen Participation Meetings each will be held during the development of the draft EIS. During each round, a meeting will be held in each of the three countries traversed by the project—Fairfax, Prince William and Loudoun. The first round of meetings will occur early in the study to introduce the project to the public, provide a purpose and need, suggest conceptual alternatives, and solicit public input regarding project purpose, need and solutions. The second round of meetings will occur midway in the process when conceptual alternatives have been screened and a higher level of information regarding alternatives and impacts can be presented to the public. The location and times for these meetings has not yet been determined, but this information will be conveyed to the public at the appropriate time by way of a comprehensive public participation program which will include a telephone hotline, press releases, post cards, a web page, and newsletters.

Once a draft EIS is completed, it will be made available to the public for review and comment. Three Location Public Hearings will be held following completion of the draft EIS, one in each county at a location and time to be determined.

To ensure that the full range of issues related to this proposed action are identified and considered, comments and suggestions in response to this Notice of Intent are invited from all interested parties. Comments and questions concerning the proposed action and draft EIS should be directed to FHWA or VDOT at the addresses provided above. There will be several opportunities to provide comments throughout the scoping process, but all comments in response to this notice should be submitted within 30 days of its publication.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction; 20.500, Federal Transit Administration Capital Grants. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this proposed action)

Authority: 23 U.S.C. 315; 49 CFR 1.48

Issued on: February 19, 2002.

Edward S. Sundra,

Senior Environmental Specialist, Federal Highway Administration.

[FR Doc. 02–5516 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Requirement (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collections of information was

published on December 31, 2001 (66 FR 67621).

DATES: Comments must be submitted on or before April 8, 2002.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493–6292), or Dian Deal, Office of Information Technology and Productivity Improvement, RAD–20, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493–6133). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, § 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On December 31, 2001, FRA published a 60-day notice in the **Federal Register** soliciting comment on ICRs that the agency was seeking OMB approval. 66 FR 67621. FRA received no comments in response to this notice.

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30 day notice is published. 44 U.S.C. 3507 (b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30 day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summaries below describe the nature of the information collection requirements (ICRs) and the expected burden. The revised requirements are being submitted for clearance by OMB as required by the PRA.

Title: Passenger Equipment Safety Standards.

OMB Control Number: 2130–0544.

Type of Request: Extension of a currently approved collection.

Affected Public: Businesses.

Form(s): N/A.

Abstract: The information gained from daily inspections is used to detect and correct equipment problems so as to prevent collisions, derailments, and other occurrences involving railroad passenger equipment that cause injury or death to railroad employees, railroad passengers, or to the general public; and to mitigate the consequences of any such occurrences, to the extent that they can not be prevented. The information provided promotes passenger train safety by ensuring requirements are met for railroad passenger equipment design and performance; fire safety; emergency systems; the inspection, testing, and maintenance of passenger equipment; and other provisions for the safe operation of railroad passenger equipment.

Annual Estimated Burden Hours: 84,060.

ADDRESSES: Send comments regarding these information collections to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street, NW., Washington, DC, 20503; Attention: FRA Desk Officer.

Comments are invited on the following: Whether the proposed collections of information are necessary for the proper performance of the functions of FRA, including whether the information will have practical utility; the accuracy of FRA's estimates of the burden of the proposed information collections; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collections of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC, on March 1, 2002.

Kathy A. Weiner,

Director, Office of Information Technology, and Support Systems, Federal Railroad Administration.

[FR Doc. 02–5519 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Preparation of Environmental Impact Statement on North Shore Transit Improvements Between Revere and Salem, MA

AGENCY: Federal Transit Administration (FTA), U.S. Department of Transportation (DOT).

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Federal Transit Administration (FTA) is issuing this notice to advise agencies and the public that, in accordance with the National Environmental Policy Act (NEPA), FTA and the Massachusetts Bay Transportation Authority (MBTA), will prepare an environmental impact statement (EIS) to evaluate transit improvements, including a potential rapid transit service extension, in the North Shore Corridor from Revere to Salem, Massachusetts.

DATES: One public scoping meeting in the City of Lynn will be held in April, 2002. Details as to the specific location, date, and time of the public scoping meeting will be advertised in local newspapers and other media. An interagency scoping meeting will be held on March 27, 2002 in the Volpe National Transportation Systems Center. See **ADDRESSES** below. Written comments on the scope of the EIS, including the alternatives to be considered and the impacts to be studied, may be sent to Stephen M. Woelfel, Project Manager, MBTA, by April 19, 2002. See **ADDRESSES** below.

ADDRESSES: Written comments on the project scope should be sent to Stephen Woelfel, Project Manager, Planning Department, Massachusetts Bay Transportation Authority, Massachusetts Transportation Building, 10 Park Plaza, Boston, MA 02116. Telephone: (617) 222–5237; fax: (617) 222–6181. The interagency scoping meeting will be held on March 27, 2002 at 10 a.m. in the Volpe National Transportation Systems Center, Kendall Square, 55 Broadway, Cambridge, MA 02142. All scoping meetings will be held in wheelchair-accessible locations.

FOR FURTHER INFORMATION CONTACT: Mr. Peter S. Butler, Federal Transit Administration, (617) 494–2729.

SUPPLEMENTARY INFORMATION:

I. Scoping

FTA and MBTA will establish the scope of the EIS for the North Shore Corridor after consulting with Federal, State, and local resource and regulatory

agencies through meetings and correspondence, and after hearing from the general public. Interested individuals, organizations, and agencies are invited to participate in defining the alternatives to be evaluated and related issues of concern. Written comments on the alternatives and potential impacts to be considered should be sent to Stephen Woelfel at the MBTA.

II. Description of Corridor and Transportation Needs

The existing transportation system in the Boston-Salem Corridor consists of a network of limited-access highways, arterials, and local streets as well as various transit services provided by the MBTA.

Roadway Network

There are no major highways that service two primary business communities in this corridor, Lynn and Salem. The local roadways provide poor levels of service. Prior planning efforts to address these accessibility issues have included possible highway connections to the cities of Lynn and Salem. This work has failed to produce viable highway alternatives because of community, environmental, and financial constraints. Limited access to these cities has impacted the ability of residents to reach employment opportunities in Boston, and it has prevented these business centers from reaching their full potential.

Transit Network

The MBTA is the primary provider of mass transit service in this area. This Corridor is serviced by commuter rail along the Eastern Route Main Line that extends from Boston to Newburyport and Rockport. Rapid transit service is provided on the Blue Line between Bowdoin Station in downtown Boston and Wonderland Station in Revere (Blue Line terminus). The MBTA also operates local and express bus routes in this Corridor.

Over the past several years, the MBTA has made a substantial investment in the rehabilitation of the commuter and Blue Line systems. Despite these improvements, public transit has not sufficiently improved mobility within this Corridor, and it holds limited potential to fully address this issue. Further public transportation improvements have been considered through several different planning efforts including the MBTA's current Major Investment Study (MIS). The MIS has been developed around the findings of studies that were completed in the 1990's including the North Shore Transportation Study and the Wonderland Connector Feasibility Study. In the MIS process, a steering committee of municipalities and interest groups has reaffirmed the need, which was identified in these previous studies, for greater access to Boston and the employment centers on the North Shore. Particular attention has focused on the inadequacy of existing services to meet the demand for access to the cities of Lynn and Salem, which are important destination centers within the Corridor. In the case of commuter rail, the current system cannot support higher frequency service, and various bus options may not overcome congestion on the Corridor's roadway network. The MBTA's experience with express bus service in the Corridor suggests that commuters are looking for more frequent and quicker service. Consequently, these cities have identified rapid transit investment as the way to address their transportation limitations and to promote greater economic development opportunities.

The rapid transit investment that has been favored is an extension of Blue Line service from the existing terminus in Revere. It is recognized that the possible rapid transit routes for a Blue Line extension would result in significant environmental impacts, and as such, would require the preparation of an EIS. The EIS will focus on extending rapid transit into the Corridor between Boston and Salem. Accordingly, the study area will be comprised of the following communities: The City of Boston and nine other cities/town including Chelsea, Lynn, Marblehead, Nahant, Revere, Salem, Saugus, Swampscott, and Winthrop.

The MIS, which is currently expected to be completed in June of 2002, will continue to address issues of a regional nature that encompass the entire 32 community study area and all modes of transit. The EIS process is an integral part of the MIS process because it will provide additional detail regarding the Blue Line extension options, which received high ratings and support in the initial MIS screening phases.

III. Alternatives

A preferred alternative has not been selected at this point. The public comment process will provide input into the selection and a preferred alternative will be identified in the Final EIS.

For consideration in the Draft EIS, the FTA and the MBTA propose that the following five alternatives be evaluated:

Alternative 1: No-Action

This Alternative consists of no change to existing facilities in the North Shore Corridor. It serves as the NEPA baseline against which the transportation, environmental, and community impacts of the other alternatives are compared. Existing transportation facilities consist of the MBTA Blue Line and various local and express bus routes. Additionally, the Rockport and Newburyport Commuter Rail Lines provide commuter-oriented service to seventeen stations in the North Shore. Principle highway facilities in the study area include Interstate 95, U.S. Route 1, State Route 128, and State Route 1A. The No Action Alternative further consists of the transportation network contained in the Regional Transportation Plan for the year 2010 in the absence of any other transportation improvements in the study corridor.

Alternative 2: Transportation System Management

This alternative consists of all reasonable cost-effective transit service improvements not requiring major new construction. This alternative includes improvements such as reduced commuter rail headways in off-peak hours, extended service hours and reduced headways for express and local bus service, and other low-cost traffic and transit system upgrades on available streets and highways.

Alternative 3: Blue Line extension to Salem via the Eastern Route Main Line

This alternative involves the extension of the Blue Line from the City of Revere to the City of Salem along the Eastern Route Main Line with a shared use for MBTA commuter rail service.

Alternative 4: Blue Line Extension to Salem via the Narrow Gauge and Eastern Route Main Line Alignment

This Alternative involves the extension of the Blue Line from the City of Revere to the City of Salem utilizing the Boston, Revere Beach & Lynn Narrow Gauge Alignment and the Eastern Route Main Line with a shared use for MBTA commuter rail service;

Alternative 5: Blue Line and Commuter Rail Intermodal Facility

In lieu of a Blue Line extension north to Salem, this alternative involves the construction of a new intermodal facility that would provide a passenger connection between the Blue Line and commuter rail service in the vicinity of the existing Blue Line terminus at Wonderland Station in the City of Revere.

All of the alternatives listed above, as well as other alternatives suggested during scoping, will be considered during the development of the draft EIS. Prior to the completion of the draft EIS, it is expected that a screening process will consider each alternative's potential benefits, costs, and impacts. The EIS will also consider any additional reasonable alternatives identified during scoping that provide similar transportation benefits while reducing or avoiding adverse impacts.

IV. Public Involvement

A comprehensive public involvement program has been developed. The program includes: Outreach to local and county officials and community and civic groups; a public scoping process to define the issues of concern among all parties interested in the project; a public hearing on release of the draft EIS; and development and distribution of project newsletters.

V. Probable Effects and Potential Impacts for Analysis

The FTA and the MBTA will evaluate all environmental, social, and economic impacts of the alternatives analyzed in the EIS. The impact areas to be addressed include: noise and vibration; land use; visual/aesthetic values; ecosystems; cultural and historical resources; water quality, floodplains, and drainage; air quality; traffic and parking; hazardous materials; utilities; energy use and conservation; public safety and security; and community and economic impacts. The EIS will evaluate potential environmental justice issues as well as secondary, cumulative, and construction-related impacts. The need for right-of-way acquisitions and relocations will also be evaluated. Alternative alignments, designs, station locations, and other measures to avoid, minimize, and mitigate adverse impacts will be developed and evaluated.

VI. FTA Procedures

In accordance with FTA policy, all Federal laws, regulations, and executive orders affecting project development, including but not limited to the regulations of the Council on Environmental Quality and FTA implementing NEPA (40 CFR parts 1500–1508, and 23 CFR part 771), the 1990 Clean Air Act Amendments, section 404 of the Clean Water Act, Executive Order 12898 regarding environmental justice, the National Historic Preservation Act, the Endangered Species Act, and section 4(f) of the DOT Act, will be addressed to the maximum extent practicable during the NEPA process. In addition, the MBTA seeks § 5309 New Starts funding for the project and will therefore be subject to the FTA New Starts regulation (49 CFR part 611) which was published in the **Federal Register** on December 7, 2000 (65 FR 76864) and became effective on April 6, 2001. This New Starts regulation requires the submission of certain specified information to FTA to support an MBTA request to initiate preliminary engineering, which is normally done in conjunction with the NEPA process.

Issued on: March 4, 2002.

Richard H. Doyle,

FTA Regional Administrator.

[FR Doc. 02–5637 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Environmental Impact Statement: South Corridor Phase 2 in Sacramento, CA

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of Intent to prepare a Supplemental Environmental Impact Statement (SEIS).

SUMMARY: The Federal Transit Administration (FTA) and the Sacramento Regional Transit District (RT) intend to prepare a Supplemental Environmental Impact Statement (SEIS) in accordance with the National Environmental Policy Act (NEPA) and a Subsequent Environmental Impact Report (SEIR) in accordance with the California Environmental Quality Act (CEQA) for a proposed light rail extension in the South Sacramento Corridor from Meadowview Road to Calvine Road at Auberry Road (Calvine/Auberry).

The proposed light rail transit mode and alignment were selected in 1995 by the RT Board of Directors as the Locally Preferred Alternative (LPA) following completion in 1994 of an Alternatives Analysis/Draft EIS/Draft EIR (AA/DEIS/DEIR) for the South Sacramento Corridor. Seven transit alternatives (including bus, high-occupancy vehicle, and rail modes) with various alignment and station locations were evaluated in the AA/DEIS/DEIR). The LPA was included in the Sacramento Area Council of Government's Metropolitan Transportation Plan.

The LPA (called the *Low/UPRR Alignment* in the AA/DEIS/DEIR) is an 11.5-mile extension to the existing light rail system beginning in downtown Sacramento and extending to Calvine/Auberry. In agreement with FTA, RT planned to build the LPA in phases. Phase 1 is currently under construction and extends light rail from downtown Sacramento for 6.5 miles to Meadowview Road, with seven stations at Broadway, 4th Avenue/Wayne Hultgren, City College, Fruitridge, 47th Avenue, Florin, and Meadowview. Revenue service for Phase 1 is anticipated to begin in September 2003.

The proposed Phase 2 would extend light rail approximately five miles from Meadowview Road to Calvine/Auberry. To date, five stations have been identified at Franklin Boulevard, Center Parkway (optional), Cosumnes River College/College Square, Power Inn Road (optional), and Calvine/Auberry. The proposed Phase 2 light rail extension would follow the Union Pacific Railroad (UPRR) right-of-way south from Meadowview Road, turn east along the proposed extension of Cosumnes River Boulevard, follow the Boulevard to Bruceville Road, turn south along Bruceville Road to serve Cosumnes River College/College Square development, turn east to cross State Route 99, and terminate at a station at Calvine/Auberry.

The SEIS/SEIR will evaluate a No-Action Alternative, a future ''New Starts'' Baseline Alternative, the Phase 2 Light Rail Extension Alternative, and additional alternatives that emerge from the scoping process. Scoping will be accomplished through correspondence and discussions with interested persons; community organizations; federal, state and local agencies; and through public meetings.

DATES: *Comment Due Date:* Written comments on the scope of alternatives and impacts to be considered in the SEIS/SEIR must be received no later than May 15, 2002, and must be sent to RT at the address indicated below.

Scoping Meetings

Public scoping meetings will be held on: (1) March 25, 2002 from 5:30 p.m. to 8:00 p.m. at Cosumnes River College Recital Hall, 8401 Center Parkway, Sacramento, CA 95823 and (2) April 11, 2002 from 5:30 p.m. to 8:00 p.m. at the Pannell Center located at 2450 Meadowview Road, Sacramento, CA 95832. The formal scoping meetings will be preceded by an open house (5:30 to 6:30 pm), allowing for the public to discuss the SEIS/SEIR work scope, process, proposed project, and alternatives with RT staff and consultants. A brief presentation will be given at 6:30 p.m., beginning the formal scoping meeting. Graphic presentations and scoping materials will be provided to assist the public in understanding the

proposed project alternatives. The presentation will focus on the project purposes and alternatives and will be followed by a question and answer period, which will be recorded and transcribed. The open house will then resume until 8:00 p.m. Interested community organizations and the public are invited to attend. A federal, state, and local agency scoping meeting is scheduled for April 11, 2002, from 10:30 a.m. to 12:30 p.m. at RT's Transit Administration Building in the Auditorium located at 1400 29th Street, Sacramento, CA 95816.

Opportunities will be offered during the scoping meetings for comments to be provided either orally during the question and answer period or in writing during the entire scoping comment period.

ADDRESSES: Written comments should be sent to Mr. David M. Melko, Policy and Program Manager, Sacramento Regional Transit District, P.O. Box 2110, Sacramento, CA 95816–2110. Phone: (916) 321–2992. Fax: (916) 444–2156. To be added to the mailing list, contact Ms. Susan Willson, The Hoyt Company, 660 J Street, Suite 444, Sacramento, CA 95814, (916) 448–2440, e-mail address: *swillson@thehoytco.com*. Please specify the mailing list for the South Sacramento Corridor Phase 2 SEIS/SEIR. People with special needs such as sign language interpretation also should contact Susan Willson, as indicated above. The dates and addresses of the scoping meetings are given in the **DATES** section above. All locations are accessible to people with disabilities.

FOR FURTHER INFORMATION CONTACT: To request a scoping information packet, contact Mr. David Melko, Policy and Program Manager, Sacramento Regional Transit District, P.O. Box 2110, Sacramento, CA 95812–2110. Phone: (916) 321–2992. Fax: (916) 444–2156. The Federal agency contact is Mr. Jerome Wiggins, Office of Planning and Program Development, FTA, 201 Mission Street, Room 2210, San Francisco, CA 94105. Phone: (415) 744–3115.

SUPPLEMENTARY INFORMATION:

I. Scoping

The FTA and RT invite all interested individuals and organizations, and federal, state, regional, and local agencies to provide comments on the scope of the project and environmental considerations. The 1994 *Alternatives Analysis/Draft Environmental Impact Statement/Draft Environmental Impact Report* (AA/DEIS/DEIR) is available for public review at the Cosumnes River College Library, 8401 Center Parkway, Sacramento, CA 95823 and at the RT Administration Building, 1400 29th Street, Sacramento, CA 95816. Please contact Mr. Melko to review the copy at RT. Written comments on the project alternatives and potential impacts to be considered should also be sent to Mr. Melko.

II. Purpose and Need

The project purpose is to improve public transit service in the severely congested South Corridor by providing increased transit capacity and faster, convenient access throughout the Sacramento metropolitan region.

As stated in the 1994 AA/DEIS/DEIR, the project's goals are to: (1) Provide a transportation system that is safe, efficient, and coordinated, and that provides a balanced set of travel alternatives in the corridor, (2) ensure compatibility between land use policies and transportation policies so that the need for and amount of travel using automobiles is minimized, (3) provide a transportation system that makes the most efficient use of limited resources, (4) provide a transportation system that enhances and preserves the physical and natural environment, (5) provide a transportation system that is consistent with the needs and desires of the residents of the corridor, and that thereby maximizes community acceptance and political support.

There is a need to alleviate severe and ever-increasing traffic congestion on State Route 99 (SR 99), which currently has recurring traffic congestion (Level of Service F) for one to two hours during both the morning and afternoon commute periods between Calvine and Florin roads. Daily traffic volumes north of Mack Road along SR 99 are expected to increase by 20 to 25 percent over the next 20 years. Between Calvine and Mack Roads, a 40 to 50 percent increase is expected. During the 1990s, SR 99 was widened to accommodate High Occupancy Vehicle (HOV) lanes from Elk Grove Boulevard north to the Sacramento Central City. However, no additional improvements are planned for this section over the next 20 years. The projected increase in traffic volumes will cause congestion on SR 99 to expand to more hours of the day and extend southward to Elk Grove, and this congestion is expected to cause traffic diversions to numerous parallel arterial roadways in the corridor, thereby adding to anticipated congestion levels along these roadways.

III. Alternatives

The SEIS/SEIR will evaluate a No-Action Alternative, a future ''New Starts'' Baseline Alternative (sometimes called the Transportation Systems Management Alternative), and the Phase 2 Light Rail Extension. The alternatives will be developed further during the preparation of the Draft SEIS/SEIR. A brief description of the alternatives is provided below.

No-Action Alternative

This alternative consists of highway and transit systems existing as of year 2000, plus programmed improvements to the year 2025. It includes future conditions against which the transportation, environmental, and community impacts of the other alternatives are compared under NEPA.

Future ''New Starts'' Baseline Alternative

The Baseline Alternative is best described as transit improvements lower in capital cost than the proposed ''Build'' (light rail) Alternative. This alternative is generally the ''best that can be done'' without building the rail project. By definition, this alternative must result in a better ratio of transit mobility measures compared to cost than the No-Action Alternative.

The purpose of the Baseline Alternative is to isolate costs and benefits of the proposed major transit investment. At a minimum, the Baseline Alternative must include in the project corridor all reasonable cost-effective transit improvements short of investment in the light rail project. The New Starts Program is a federal program that provides funds for qualifying bus, rail and other transit-related projects.

Light Rail Alternative

This alternative consists of the construction of a five-mile extension of the light rail system from Meadowview Road to Calvine/Auberry and a supporting feeder bus system. To date, five stations have been identified at Franklin Boulevard, Center Parkway (optional), Cosumnes River College/College Square, Power Inn Road (optional), and Calvine/Auberry. The proposed extension would follow the UPRR right-of-way south from Meadowview Road, turn east along the proposed extension of Cosumnes River Boulevard, follow the Boulevard to Bruceville Road, turn south to serve Cosumnes River College/College Square development, turn east to cross State Route 99, and terminate at a station at Calvine/Auberry. Due to funding constraints, the light rail extension may need to be constructed in phases to one of two possible temporary terminal stations: Franklin Boulevard or Cosumnes River College/College Square. It is assumed that these temporary

terminal stations would be served by bus, express bus, and/or bus rapid transit routes and be supported by park-and-ride facilities.

IV. Probable Effects

The purpose of the SEIS/SEIR is to fully disclose, in advance of any decisions to commit substantial financial or other resources, the environmental consequences of building and operating a major capital investment in the Sacramento South Corridor. The SEIS/SEIR will explore the extent to which study alternatives and design options result in environmental impacts and will discuss actions to reduce or eliminate such impacts. Environmental issues to be examined in the SEIS/SEIR include: changes to the physical environment (biological and cultural resources, air quality, noise/vibration, water quality, floodplains, geology, visual/aesthetics); changes in the social environment (land use, development, business and neighborhood disruptions); changes in traffic and pedestrian circulation; changes in transit service and patronage; associated changes in traffic congestion; and impacts on parklands and historic sites. Impacts will be identified both for the construction period and for the long-term operation of the alternatives. The proposed evaluation criteria include transportation, social economic, and financial measures, as required by current federal (NEPA) and state (CEQA) environmental laws and the implementing regulations of the Council on Environmental Quality, FTA, and the State Office of Planning and Research.

The relationship of the alternatives to other major corridor projects will be evaluated in the SEIS/SEIR. Examples include:

- Cosumnes River Boulevard extension,
- Roadway widenings—Cosumnes River Boulevard and Bruceville Road,
- Floodplain/drainage/levee/floodwall improvements,
- Existing and proposed utitilies in the corridor—major sewer interceptors, possible Freeport Diversion water pipeline,
- Land use developments—College Square, City redevelopment areas, Cosumnes River College plans and improvements,
- UPRR capacity improvements, and
- Master Plan for the County Sanitation District Bufferlands.

To ensure that the full range of issues related to this proposed action will be addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the SEIS/SEIR should be directed to the RT Program Manager as noted in the **ADDRESSES** section above.

V. FTA Procedures

To streamline the NEPA process and to avoid duplication of effort, the agencies involved in the scoping process will consider the results of any previous planning studies or financial feasibility studies (*e.g., Multi-Corridor Study* [RT, 2001] and *Sacramento Systems Planning Study* [RT, 1991]) prepared in support of a decision by the Sacramento Area Council of Governments to include a particular alternative in the Regional Transportation Plan for Metropolitan Sacramento. Prior transportation planning studies may be pertinent to establishing the purpose of and need for the proposed action and the range of alternatives to be evaluated in detail in the SEIS/SEIR. The Draft SEIS/SEIR will be prepared simultaneously with conceptual engineering for the alternatives, including station and alignment options. The Draft SEIS/SEIR process will address the potential use of federal funds for the proposed action, as well as assess the social, economic, and environmental impacts of the alternatives. Station designs and alignment alternatives will be refined to minimize and mitigate any adverse impacts. After publication, the Draft SEIS/SEIR will be available for public and agency review and comments, and (a) public hearing(s) will be held. Based on the Draft SEIS/SEIR and comments received, RT will further refine the preferred alternative identified in the Final SEIS/SEIR and will apply for FTA approval to initiate Preliminary Engineering of the preferred alternative.

Issued March 4, 2002.

F. James Kenna,

Deputy Region IX Administrator.

[FR Doc. 02–5636 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–11737]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel ANOTHER REALITY.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 8, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–11737. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to

properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested.

Name of vessel: ANOTHER REALITY. *Owner:* Edward C. Miller and Margaret A. Miller.

(2) Size, capacity and tonnage of vessel. *According to the applicant:* ''43′ * * * 22 gross tons * * * with a capacity of 10 people.''

(3) Intended use for vessel, including geographic region of intended operation and trade. *According to the applicant:*

* * * I wish to start a part time charter business to take six passengers or less on trips from Key Biscayne Florida to anywhere within a 100 mile north-south trek down to the Dry Tortugas or up to Stuart, Fl. These charters will be eco-tours, sunset cruises, sight seeing tours, snorkeling cruises and taxi services. It will eventually encompass the areas from the panhandle of Florida (around Pensacola) south to the Florida Keys and up the east coast to Maine * * *.

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction:* 1979. *Place of construction:* Taiwan.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. *According to the applicant:*

The waiver for Another Reality should have absolutely no impact on any businesses in any of the areas described above. It is strictly intended to be a part time business (at maximum 3 days a week or less). The majority of small vessel charters in my area are primarily fishing charters which I have no intention of doing.

(6) A statement on the impact this waiver will have on U.S. shipyards. *According to the applicant:*

There will also be no impact on any of the local shipyards. The vessel is 20 years old and has no competition for any currently built ships of its size and type.

Dated: March 4, 2002.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–5641 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–11734]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel FULL CIRCLE.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 8, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–11734. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested.

Name of vessel: FULL CIRCLE. *Owner:* David A. Fors.

(2) Size, capacity and tonnage of vessel. According to the *applicant:* ''The vessel is a 31 ft. Concorde Sport Cruiser, 12 gross tons; 9 net tons * * *.''

(3) Intended use for vessel, including geographic region of intended operation and trade. *According to the applicant:* I intend to use this vessel as a charter fishing boat, home port is Chicago, IL, and to fish the Illinois waters of southern Lake Michigan.''

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction:* 1970. *Place of construction:* Unknown.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. *According to the applicant:*

There are 13 other charter fishing boats operating out of the city of Chicago as of last season. * * * This waiver would have no impact on the other boats, as there are not enough charter boats in Chicago now to handle the business. The charter boats now run between 50 and 125 6hr. trips per season each, depending if they are full time or part time captains. I would be a part time captain, fishing primarilly weekends.

(6) A statement on the impact this waiver will have on U.S. shipyards. *According to the applicant:* ''The waiver would have no impact on U.S. shipyards.''

Dated: March 4, 2002.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–5640 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–11735]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel LADY K.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 8, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–11735. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement:

(1) Name of vessel and owner for which waiver is requested. *Name of vessel:* LADY K. Owner: *Gary E. Meinke.*

(2) Size, capacity and tonnage of vessel. *According to the applicant:*

Length 41′ Breadth 15′ Depth 6′ Capacity—To carry 12 or fewer passengers; Tonnage—Gross 13.5.

(3) Intended use for vessel, including geographic region of intended operation and trade. *According to the applicant:*

The intended use of the vessel is to carry 12 or fewer passengers for day trips. The vessel will be used on Lake Erie.

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction:* 1982. *Place of construction:* Leamington, Ontario, Canada.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. *According to the applicant:*

To the best of my knowledge there will be no adverse effect on other commercial passenger vessel operators in the area. I am not aware of any commercial passenger vessel operators doing the type of trips I plan to make. To my knowledge no one is doing these types of day trips.

(6) A statement on the impact this waiver will have on U.S. shipyards. *According to the applicant:*

To the best of my knowledge the possible impace that my operation will have on U.S. Shipyards is the repair business for my vessel as a result of the approval of this waiver.

Dated: March 4, 2002.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–5639 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–11736]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel SEAFARI 3.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 8, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–11736. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build

requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) Name of vessel and owner for which waiver is requested.

Name of vessel: SEAFARI 3. *Owner:* Todd Duff.

(2) Size, capacity and tonnage of vessel. *According to the applicant:*

Vessel is a Wauquiez 43 ft. sailboat and the dimensions are: Length 43, Breadth 13.6, Depth 5.8, Gross 16, Net 15.

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant:

We intend to use the vessel for occasional ''6 pack'' type captained charters primarily to show kids and young adults nature, and sailing on an introductory level; Showing them our love of the sea and teaching responsibility and self reliance. The regions we intend to operate out of are coastal Eastern Seaboard and Gulf of Mexico * * *

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction:* 1981. *Place of construction:* Mouvaux, France.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. *According to the applicant:*

I believe this waiver will have no impact on existing operators. The only other vessel we know of doing this sort of thing will be working in partnership with us as our directors.

(6) A statement on the impact this waiver will have on U.S. shipyards. *According to the applicant:*

This waiver should have no impact on existing US shipyards.

Dated: March 4, 2002.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–5638 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

February 28, 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 April 8, 2002 to be assured of consideration.

Internal Revenue Service

OMB Number: 1545–1765.

Regulation Project Number: REG–119436–01 NPRM and Temporary.

Type of Review: Extension.

Title: New Markets Tax Credit.

Description: The regulations provide guidance for taxpayers claiming the new markets tax credit under section 45D of the Internal Revenue Code. The reporting requirements in the regulations require a qualified community development entity (CDE) to provide written notice to: (1) Any taxpayer who acquires an equity investment in the CDE at its original issue that the equity investment is a qualified equity investment entitling the taxpayer to claim the new markets tax credit; and

(2) each holder of a qualified equity investment, including all prior holders of that investment, that a recapture even has occurred. CDEs must comply with such reporting requirements to the Secretary as the Secretary may prescribe.

Respondents: Business or other for-profit, Not-for-profit institution.

Estimated Number of Respondents/Recordkeepers: 151.

Estimated Burden Hours Per Respondents/Recordkeepers: 2 hours, 30 minutes.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 378 hours.

Clearance Officer: George Freeland, Internal Revenue Service, Room 5577, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Mary A. Able,

Departmental Reports Management Officer.

[FR Doc. 02–5525 Filed 3–7–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Customs Service

Notice of Revocation of Customs Broker License

AGENCY: Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: Pursuant to section 641 of the Tariff Act of 1930 as amended (19 USC 1641) and the Customs Regulations [19 CFR 111.45(a)], the following Customs broker license is revoked by operation of law.

Name	License	Port
Dimerco Express (USA) Corporation	13620	San Francisco.

Dated: March 4, 2002.

Bonni G. Tischler,

Assistant Commissioner, Office of Field Operations.

[FR Doc. 02–5558 Filed 3–7–02; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Federal Law Enforcement Training Center

FLETC—Cheltenham, MD; Notice of Decision—Finding of No Significant Impact

AGENCY: Federal Law Enforcement Training Center, Treasury.

ACTION: Notice of decision—finding of no significant impact.

SUMMARY: Notice is hereby given that the Federal Law Enforcement Training Center (FLETC), pursuant to the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality Regulations for Implementing the National Environmental Policy Act (40 CFR parts 1500–1508), and Department of the Treasury Directive 75–02 (Department of the Treasury Environmental Quality Program), has issued a Finding of No Significant Impact (FONSI) related to the Environmental Assessment (EA) for the renovation of the former Naval Communications Detachment Cheltenham, MD to provide a law enforcement training and requalification facility (FLETC—Cheltenham) for use by a wide variety of federal, state, and local agencies located in the metropolitan Washington, DC area. The proposed action includes demolition and renovation of existing buildings for use as classrooms, simulators, locker facilities, storage, etc., and construction of a free-standing, completely enclosed, environmentally safe indoor firearms training range and an outdoor vehicle training range. Vegetation manipulation will occur for aesthetic purposes, wildlife habitat improvement, wildfire hazard control, and insect/disease reduction.

The EA has been prepared in accordance with NEPA and Department of the Treasury requirements, to determine whether or not significant environmental impacts are anticipated from the Proposed Action and to assess mitigation measures utilized to avoid potential adverse impacts. No substantive comments have been received from the public, community organizations, or agencies following the public comments period for the EA that ended on January 16, 2002. Based on the analysis of the EA, the Department of the Treasury has determined that the proposed development of the FLETC—Cheltenham facility at Cheltenham, Maryland, utilizing the Proposed Action, does not constitute a ''major federal action significantly affecting the quality of the human environment'' when considered individually or cumulatively in the context of the referenced Act, including both direct and indirect impacts. The project will not significantly impact soils, air quality, water resources, vegetation, biological resources, noise, threatened or endangered species or their critical habitat, transportation systems, or the surrounding population. Therefore, a FONSI has been issued for this project, and the preparation of an Environmental Impact Statement is not required.

DATES: The FONSI was signed on March 1, 2002.

ADDRESSES: FLETC—Cheltenham, 9000 Commo Road, Cheltenham, MD 20623–5000.

FOR FURTHER INFORMATION CONTACT: Susan Shaw, NEPA Coordinator/Project Manager, FLETC, at (912) 261–4557. Ms. Shaw's e-mail address is *sshaw@fletc.treas.gov*. Information is also available from Bob Smith, Chief, Cheltenham Operations at (301) 868–5830. Mr. Smith's e-mail address is *rsmith@fletc.treas.gov*.

SUPPLEMENTARY INFORMATION: The Federal Law Enforcement Training Center has a mission of providing high quality, cost-effective training of federal law enforcement personnel. Providing these requalification services in the Washington, DC area will significantly reduce the need for Washington, DC area law enforcement agencies to travel to the FLETC—Glynco, GA facility, reducing associated costs and time demands.

The FLETC—Cheltenham facility is located approximately 15 miles southeast of Washington, DC, in Prince George's County, MD. The facility is situated east of Maryland Route 5 and west of Maryland Route 301, approximately 3 miles south of Andrews Air Force Base.

Authority: The Council on Environmental Quality's National Environmental Policy Act, 40 CFR parts 1500 *et seq.*

Dated: March 1, 2002.

Bruce Bowen,

Assistant Director, Office of Compliance, Federal Law Enforcement Training Center.

[FR Doc. 02–5553 Filed 3–7–02; 8:45 am]

BILLING CODE 4810–32–P

UNITED STATES INSTITUTE OF PEACE

Notice of Meeting

AGENCY: United States Institute of Peace.

DATE/TIME: Thursday, March 21, 2002; 9 a.m.–5 p.m.

LOCATION: 1200 17th Street, NW, Suite 200, Washington, DC 20036.

STATUS: Open Session—Portions may be closed pursuant to Subsection (c) of Section 552(b) of Title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Public Law 98–525.

AGENDA: March 2002 Board Meeting; Approval of Minutes of the One Hundred Third Meeting (January 24, 2002) of the Board of Directors; Chairman's Report; President's Report; Committee Reports; Consideration of fellowship applications and consideration of list of recommended Grants; Other General Issues.

CONTACT: Dr. Sheryl Brown, Director, Office of Communications, Telephone: (202) 457–1700.

Dated: March 4, 2002.

Harriet Hentges,

Executive Vice President, United States Institute of Peace.

[FR Doc. 02–5692 Filed 3–5–02; 4:30 pm]

BILLING CODE 6820–AR–M

DEPARTMENT OF LABOR

Veterans' Employment and Training Service

RIN 1293–AA07

Annual Report From Federal Contractors

AGENCY: Veterans' Employment and Training Service, Department of Labor.

ACTION: Notice; request for comments.

SUMMARY: The Veterans' Employment and Training Service (VETS) is soliciting comments on methodologies for calculating the maximum and minimum number of employees for the Federal Contractor Veterans' Employment Report VETS–100.

DATES: Comments must be received on or before April 8, 2002.

ADDRESSES: Comments should be sent to Norman Lance, Chief, Investigations and Compliance Division, (VETS), by regular mail at the U.S. Department of Labor, Veterans' Employment and Training Service, Federal Contractor Program Comments—Notice, 6101 Stevenson Avenue, Alexandria, VA 22304, or by e-mail at *Lance-Norman@dol.gov*. Written

comments limited to 10 pages or fewer also may be transmitted by facsimile (FAX) at (202) 693–4755. Receipt of submissions, whether by U.S. mail, e-mail or FAX transmittal, will not be acknowledged; however, the sender may request confirmation that a submission has been received, by telephoning VETS at (202) 693–4731 (VOICE), or (800) 670–7008 (TTY/TDD).

FOR FURTHER INFORMATION CONTACT: Norm Lance, Chief, Investigations and Compliance Division, VETS, at (202) 693–4731 or by e-mail at *Lance-Norman@dol.gov.* Individuals with hearing impairments can call (800) 670–7008 (TTY/TDD).

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 4212(d).

Background

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, (VEVRAA) contains affirmative action and reporting requirements for Federal contractors and subcontractors regarding several classes of protected veterans. One VEVRAA requirement is that covered Federal contractors and subcontractors file an annual Federal Contractor Veterans' Employment Report VETS–100 (VETS–100 Report). Prior to 1998 covered contractors were required to show in their VETS–100 report the number of protected veterans in their work force by job category, hiring locations, and number of new hires, including protected veterans hired during the reporting period covered by the report. The amendments to the VETS–100 reporting requirements made by the Veterans Employment Opportunities Act of 1998 (VEOA) included adding the requirement that the maximum number and minimum number of persons employed during the reporting period be included in a VETS–100 Report.

VETS published a Notice of Proposed Rulemaking (65 FR 59684, October 5, 2000) to implement the provisions of the VEOA, including the requirement for reporting the minimum and maximum number of employees. The Notice of Proposed Rulemaking did not contain guidance on how covered contractors were to determine the minimum and maximum number of employees. A commenter asserted that the proposed rule was unclear about when the minimum and maximum number of employees had to be determined, and asked for clarification. To respond to the concerns of the commenter, VETS clarified the regulation language by adding the following language to the final rule:

> The minimum and maximum number of employees reportable at each hiring location during the period covered by the report must be determined as follows: Contractors must review payroll records for each of the pay periods included in the report. The minimum number of employees is the total number of employees paid in the payroll period in which the contractor had the fewest number of employees. The maximum number of employees is the total number of employees paid in the payroll period in which the contractor had the greatest number of employees.

This new language was inserted in section 61–250.10(a)(3), and also in section 61–250.11 under the paragraph entitled ''Maximum and minimum number of employees.'' (66 FR 52004–52005, October 11, 2001).

After publication of the rule, it was brought to the attention of VETS that the revised language might have inadvertently increased the record keeping burden on some contractors because contractors might have difficulty matching up payroll periods, employees, and physical VETS–100 reporting locations in the way contemplated by the final rule. To permit contractors flexibility in how they determine the maximum and minimum number of employees, VETS published an Interim Final Rule (66 FR 65452, December 19, 2001) amending section 61–250.10(a)(3) by withdrawing the above quoted language that specified how contractors were to determine the maximum and minimum number of employees and withdrawing the language quoted above which appears as a paragraph entitled ''Maximum and minimum number of employees'' under section 61–250.11. The basic statutory requirement to report the maximum and minimum number of employees remains.

In the preamble to the interim final rule, VETS requested comments about the methods covered contractors and subcontractors intend to use to calculate the minimum and maximum number of employees. VETS requested this information in order to gain additional information on which to issue guidance or regulations on methodology(s) for contractors to determine the maximum and minimum number of employees. VETS is concerned that the request for comments solely within the preamble to the interim final rule could be overlooked. Consequently, VETS is publishing today's notice reiterating the request for comments about how to determine the maximum and minimum number of employees.

Specifically, VETS requests comments on the methodology contractors would prefer to use to calculate the minimum and maximum number of employees. Additional information including how a methodology interacts with organizational structure, payroll or pay systems for particular types of employers (e.g., nature of industry, single or multiple establishments), and how employees on extended leave of absence are counted, is solicited. Comments on record keeping burden incurred and other information you feel will clarify the process for determining the maximum and minimum number of employees also are requested. VETS will consider this information when preparing guidance or regulations for contractors' future reporting cycles.

Signed at Washington, DC, this 28th day of February, 2002.

Frederico Juarbe, Jr.,

Assistant Secretary of Labor for Veterans' Employment and Training Service.

[FR Doc. 02–5411 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–79–P

Notices

Federal Register
Vol. 67, No. 46
Friday, March 8, 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

Forest Service

Shady/Highbush Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The Department of Agriculture, Forest Service, will prepare an Environmental Impact Statement (EIS) on a proposal to harvest timber in the Shady Highbush Timber Sale Project area, Wrangell Ranger District, Tongass National Forest. The proposed action is to harvest an estimated 8 million board feet (mmbf) on approximately 500 acres with about 5 miles of new road construction. The range of alternatives being developed to respond to the significant issues, besides no action, will likely be 2–10 million board feet of timber on an estimated 300–800 acres in one or more timber sales. The purpose and need of the timber sale is to: Contribute to the production of a sustained yield of timber and mix of other resource activities from the Tongass National Forest, consistent with Forest Plan Standards and Guidelines; seek to provide a timber supply sufficient to meet the annual and planning cycle market demand for Tongass National Forest timber; provide a diversity of opportunities for resource uses that contribute to the economies of Southeast Alaska; and support a wide range of natural resource employment opportunities within Southeast Alaska's communities. The Tongass Forest Supervisor will decide on whether or not to harvest timber from this area, and if so, how this timber would be harvested. The decision will be documented in a Record of Decision based on the information disclosed in the EIS and the goals, objectives and desired future conditions as stated in the Forest Plan.

DATES: Opportunities for comment are available throughout the process. Individuals interested in receiving a scoping package should contact us within 30 days of the publication of this NOI. Comments will be most helpful if received by March 31, 2002. Additional opportunities for comment will be provided after release of the Draft EIS, anticipated in early summer, 2002.

ADDRESSES: Please send written comments to Wrangell Ranger District; Attn: Shady/Highbush EIS; PO Box 51, Wrangell, AK 99929.

FOR FURTHER INFORMATION CONTACT: Chip Weber, District Ranger, or Randy Hojem, IDT Leader, Wrangell Ranger District, Tongass National Forest, PO Box 51, Wrangell, AK 99929, telephone (907) 874–2323.

SUPPLEMENTARY INFORMATION: The proposed timber harvest is located within Tongass Forest Plan Value Comparison Units 478, 480, 504 and 505 on Wrangell Island, Alaska, Wrangell Ranger District of the Tongass National Forest. Approximately 65% of proposed sale units are located within Inventoried Roadless Areas on Wrangell Island. In 2001, the Secretary of Agriculture began a review of the roadless area rule and the Chief of the Forest Service undertook a review of the road management policy. These reviews have led the agency to initiate several Interim Directives with the intent that the values associated with inventoried roadless areas are fully considered within the context of forest planning. In Sierra Club v. Lyons (J00–0009) (CV)), the US District Court, District of Alaska enjoined the Tongass National Forest from taking any action to change the wilderness character of any eligible roadless area until a supplemental environmental impact statement (SEIS) has been completed. The injunction was lifted and the Forest Service is currently preparing the SEIS to address wilderness recommendations. Planning for the Shady Highbush Timber Sale Project will continue simultaneously and in coordination with the SEIS and meet the requirements in the Interim Directives. The sale is currently listed on the Tongass 10-year action plan to be sold in 2004. The repercussions of delaying the project planning process regarding road building and timber harvest, even for a relatively short period, can have a significant effect on the amount of timber available for sale on the Tongass over the next few years. The Shady Highbush Timber Sale Project is consistent with the 1997 Tongass Land Management Plan.

Public participation will be an integral component of the study process and will be especially important at several points during the analysis. The first is during the scoping process. The Forest Service will be seeking information, comments, and assistance from Tribal Governments, Federal, State, and local agencies, individuals and organizations that may be interested in, or affected by, the proposed activities. The scoping process will include: (1) Identification of potential issues; (2) identification of issues to be analyzed in depth; and, (3) elimination of insignificant issues or those which have been covered by a previous environmental review. Written scoping comments are being solicited through a scoping package that will be sent to the project mailing list. For the Forest Service to best use the scoping input, comments should be received by *March 31, 2002.* Tentative issues identified for analysis in the EIS include the potential effects of the project on and the relationship of the project to: Old-growth ecosystem management and the maintenance of habitat for viable populations of wildlife species, timber sale economics and road construction/access management.

Based on results of scoping and the resource capabilities within the project area, alternatives including a ''no action'' alternative will be developed for the Draft Environmental Impact Statement (Draft EIS). The Draft EIS is projected to be filed with the Environmental Protection Agency (EPA) in the summer of 2002. The Final EIS is anticipated in early 2003.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and

contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553, (1978). Environmental objections that could have been raised at the draft environmental impact statement stage may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F.2nd 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns of the proposed action, comments during scoping and comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points. Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR parts 215 or 217. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Requesters should be aware that, under FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within 7 days.

Permits: Permits required for implementation include the following:

1. U.S. Army Corp of Engineers
   —Approval of discharge of dredged or fill material into the waters of the United States under Section 404 of the Clean Water Act;
   —Approval of the construction of structures or work in navigable waters of the United States under section 10 of the Rivers and Harbors Act of 1899;
2. Environmental Protection Agency
   —National Pollutant Discharge Elimination System (402) Permit;
   —Review Spill Prevention Control and Countermeasure Plan;
3. State of Alaska, Department of Natural Resources
   —Tideland Permit and Lease or Easement;
4. State of Alaska, Department of Environmental Conservation
   —Solid Waste Disposal Permit;
   —Certification of Compliance with Alaska Water Quality Standards (401 Certification)

Responsible Official: Thomas Puchlerz, Forest Supervisor, Tongass National Forest, Federal Building, Ketchikan, Alaska 99901, is the responsible official. The responsible official will consider the comments, response, disclosure of environmental consequences, and applicable laws, regulations, and policies in making the decision and stating the rationale in the Record of Decision.

Dated: February 12, 2002.

Thomas Puchlerz,

Forest Supervisor.

[FR Doc. 02–5518 Filed 3–7–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Idaho Panhandle Resource Advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393) the Idaho Panhandle National Forests' Idaho Panhandle Resource Advisory Committee will meet Friday, March 22, 2002 in Coeur d'Alene, Idaho for a business meeting. The meeting is open to the public.

DATES: March 22, 2002.

ADDRESSES: The meeting location is the Idaho Panhandle National Forests' Supervisor's Office, located at 3815 Schreiber Way, Coeur d'Alene, Idaho 83815.

FOR FURTHER INFORMATION CONTACT: Ranotta K. McNair, Forest Supervisor and Designated Federal Officer, at (208) 765–7369.

SUPPLEMENTARY INFORMATION: Agenda topics include hearing presentations of project proposals, review of project proposals and receiving public comment.

Dated: March 4, 2002.

Pat L. Aguilar,

Deputy Forest Supervisor.

[FR Doc. 02–5564 Filed 3–7–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Trinity County Resource Advisory Committee

AGENCY: Forest Service, USDA Forest Service.

ACTION: Notice of meeting.

SUMMARY: The Trinity County Resource Advisory Committee (RAC) will meet on March 25, 2002 in Weaverville, California. The purpose of the meeting is to discuss the selection of Title II projects under Public Law 106393, H.R. 2389, the Secure Rural Schools and Community Self-Determination Act of 2000, also called the ''Payments to States'' Act.

DATES: The meeting will be held on March 25, 2002 from 6:30 to 8:30 p.m.

ADDRESSES: The meeting will be held at the Trinity County Public Utilities District Conference Room, 26 Ponderosa Lane, Weaverville, California.

FOR FURTHER INFORMATION CONTACT: Joyce Anderson, Designated Federal Official, USDA, Shasta Trinity National Forests, P.O. Box 1190, Weaverville, CA 96093. Phone: (530) 623–1709. Email: *jandersen@fs.fed.us.*

SUPPLEMENTARY INFORMATION: The meeting will focus on developing evaluation criteria for selecting Title II projects. The meeting is open to the public. Public input opportunity will be provided and individuals will have the opportunity to address the committee at that time.

Dated: March 1, 2002.

S.E. 'Lou' Woltering,

Forest Supervisor.

[FR Doc. 02–5565 Filed 3–7–02; 8:45 am]

BILLING CODE 3410–11–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from procurement list.

SUMMARY: The Committee is proposing to add to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete a service previously furnished by such agencies.

Comments Must Be Received on or Before: April 8, 2002.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl Kennerly (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will result in authorizing small entities to furnish the services to the government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-ODay Act (41 U.S.C.46–48c) in connection with the services proposed for addition to the Procurement List. Comments on this certification are invited.

Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Services

Service Type/Location:
Base Supply Center, Individual Equipment Element & HAZMART/, Eglin Air Force Base, Florida.
NPA:
L.C. Industries For The Blind, Inc., Durham, North Carolina.
Contract Activity:
Department of the Air Force.
Service Type/Location:
Janitorial/Custodial/U.S. Army Reserve Center, Galax, Virginia.
NPA: Mount Rogers Community MH–MR Services Board, Wytheville, Virginia.
Contract Activity:
Department of the Army.
Service Type/Location:
Janitorial/Custodial/U.S. Army Reserve Center, Marion, Virginia.
NPA:
Mount Rogers Community MH–MR Services Board, Wytheville, Virginia.
Contract Activity:
Department of the Army.
Service Type/Location:
Mailroom/Communication Center Operation, U.S. Department of Agriculture, Kansas City, Missouri.
NPA:
Independence & Blue Springs Industries, Inc., Independence, Missouri.
Contract Activity:
Department of Agriculture.
Service Type/Location:
Switchboard Operation/Tennessee Valley Healthcare System, Murfreesboro, Tennessee.
NPA:
Prospect Inc., Lebanon, Tennessee.
Contract Activity:
Department of Veterans Affairs.

Deletions

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service to the Government.

2. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-ODay Act (41 U.S.C.46–48c) in connection with the service proposed for deletion from the Procurement List.

The following service is proposed for deletion from the Procurement List:

Service

Service Type/Location:
Vehicle Operation and Maintenance/Travis Air Force Base, Travis AFB, California.
NPA:
PRIDE Industries, Roseville, California.
Contract Activity:
Department of the Air Force.

Sheryl D Kennerly,
Director, Information Management.

[FR Doc. 02–5610 Filed 3–7–02; 8:45 am]
BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: April 8, 2002.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly, (703) 603–7740.

SUPPLEMENTARY INFORMATION: On July 27, August 20 and October 9, 2001, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (66 FR 39142, 42198 and 51371) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will not have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the commodities and services.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-ODay

Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

Accordingly, the following services are added to the Procurement List:

Services

Service Type/Location: Base Supply Center/Naval Air Station, Joint Reserve Base Fort Worth, Texas.
NPA: Tarrant County Association for the Blind, Fort Worth, Texas.
Contract Activity: Department of the Navy.
Service Type/Location: Janitorial/Grounds Maintenance/Ajo Border Patrol Station Ajo, Arizona.
NPA: J.P. Industries, Inc., Tucson, Arizona.
Contract Activity: Immigration and Naturalization Service, DOJ.
Service Type/Location: Janitorial/Grounds Maintenance/Douglas Border Patrol Station, Douglas, Arizona.
NPA: J.P. Industries, Inc., Tucson, Arizona.
Contract Activity: Immigration and Naturalization Service, DOJ.
Service Type/Location: Janitorial/Grounds Maintenance/Sonoita Border Patrol Station, Sonoita, Arizona.
NPA: J.P. Industries, Inc., Tucson, Arizona.
Contract Activity: Immigration and Naturalization Service, DOJ.
Service Type/Location: Janitorial/Grounds Maintenance/Tucson Air Operations, Tucson, Arizona.
NPA: J.P. Industries, Inc., Tucson, Arizona.
Contract Activity: Immigration and Naturalization Service, DOJ.
Service Type/Location: Janitorial/Grounds Maintenance/Tucson Sector HQ (Building 9), Tucson, Arizona.
NPA: J.P. Industries, Inc., Tucson, Arizona.
Contract Activity: Immigration and Naturalization Service, DOJ.
Service Type/Location: Janitorial/Grounds Maintenance/Tucson Sector HQ, Tucson, Arizona.
NPA: J.P. Industries, Inc., Tucson, Arizona.
Contract Activity: Immigration and Naturalization Service, DOJ.
Service Type/Location: Janitorial/Grounds Maintenance/Tucson Station (Silverbell), Tucson, Arizona.
NPA: J.P. Industries, Inc., Tucson, Arizona.
Contract Activity: Immigration and Naturalization Service, DOJ.
Service Type/Location: Janitorial/Grounds Maintenance/Willcox Border Patrol Station, Willcox, Arizona.
NPA: J.P. Industries, Inc., Tucson, Arizona.
Contract Activity: Immigration and Naturalization Service, DOJ.

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 02–5611 Filed 3–7–02; 8:45 am]

BILLING CODE 6353–01–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Proposed Addition; Correction

In the document appearing on page 9436, FR Doc. 02-4918, in the issue of March 1, 2002, in the third column the Committee published a notice of proposed addition to the Procurement List of, among other things, Janitorial/Custodial, Ronald Reagan Building, International Trade Center, Washington, DC. This notice is amended to include ''At the Federal Tenant Spaces Only'', which was omitted from original notice.

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 02–5612 Filed 3–7–02; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

[I.D. 030502A]

Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Deep Seabed Mining Regulations for Exploration Licenses.

Form Number(s): None.

OMB Approval Number: 0648–0145.

Type of Request: Regular submission.

Burden Hours: 40.

Number of Respondents: 2.

Average Hours Per Response: 20.

Needs and Uses: The Deep Seabed Hard Mineral Resources Act requires applicants for an exploration license to submit information for NOAA to make a determination as to the applicants eligibility to meet the provisions of the legislation. Information will be used to determine the financial, environmental and technological eligibility of the applicant to meet the requirements of the Act to conduct exploration activities. Licensees are required to submit annual reports.

Affected Public: Business or other for-profit organizations.

Frequency :Annually, recordkeeping

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Madeleine Clayton, Departmental Paperwork Clearance Officer, (202) 482–3129, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at MClayton@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: February 28, 2002.

Madeleine Clayton,

Departmental Paperwork Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 02–5620 Filed 3–7–02; 8:45 am]

BILLING CODE 3510–08–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–806]

Silicon Metal from Brazil; Notice of Amended Final Results of Antidumping Duty Administrative Review Pursuant to Final Court Decision

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of amended final results of antidumping duty administrative review pursuant to final court decision.

EFFECTIVE DATE: March 8, 2002.

FOR FURTHER INFORMATION CONTACT: James Doyle, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0159.

SUMMARY: The United States Court of International Trade (''the CIT'') has affirmed the Department of Commerce's final remand results affecting final assessment rates for the administrative review of the antidumping duty order of silicon metal from Brazil. The period of review is March 29, 1991, through June 30, 1992. As there is now a final and conclusive court decision in this case, we are amending our final results of review and we will instruct the Customs Service to liquidate entries subject to this review.

SUPPLEMENTARY INFORMATION:

Background

On July 31, 1991, the Department published the antidumping duty order on silicon metal from Brazil. See

Antidumping Duty Order: Silicon Metal from Brazil, 56 FR 36135 (July 31, 1991). On August 19, 1994, the Department published its final results of the first administrative review of silicon metal from Brazil. See Final Results of Antidumping Duty Administrative Review on Silicon Metal from Brazil, 59 FR 42806 (August 19, 1994) (''Final Results''). On May 15, 1997, pursuant to the Department's request, the CIT issued an order remanding eight issues from the Final Results. See American Silicon Technologies et. al v. United States, 21 CIT 501 (1997). The CIT directed the Department to: (1) correctly calculate the general, selling, and administrative (''GS&A'') expenses for Eletrosilex Belo Horizonte (''Eletrosilex'') for the month in question; (2) calculate G&A expenses using Eletrosilex's historical cost of manufacture (''COM'') data; (3) calculate the U.S. packing expenses for Companhia Ferroligas Minas Gerais–Minasligas (''Minasligas''), removing the U.S. dollar exchange rate; (4) calculate imposto sobre a circulacao de mercadorias e servicos (''ICMS'') and imposto sobre produtos industrialzados (''IPS'') taxes Minasligas paid on imported electrodes removing the duty drawback adjustment; (5) recalculate the interest rate for U.S. dollar receivables for Minasligas; (6) review the calculated margin for Eletrosilex that compared United States (''USP'') to constructed value (''CV'') for a month other than the month of shipment; (7) review the use of projected costs rather than replacement costs in determining Eletrosilex's CV; and (8) review the adjustment of Minasligas' interest expenses for monetary correction of loans. The CIT stayed further action on three other issues pending the results of related litigation. On November 14, 1997, for the aforementioned eight issues, we provided the CIT with our final results of redetermination pursuant to court remand. See Silicon Metal from Brazil, Final Results of Redetermination Pursuant to Court Remand Court No. 94–09–0055 (''American Silicon Remand I''). In the remand redetermination the Department recalculated: 1) Eletrosilex's GS&A expenses using the GS&A expenses and historical COM incurred by Eletrosilex during an entire year; 2) the U.S. packing expenses for Minasligas, removing the U.S. dollar exchange rate; 3) the IPI and ICMS taxes Minasligas paid on imported electrodes removing the duty drawback adjustment; 4) Minasligas' U.S. credit expenses by using the actual U.S. credit expenses incurred by Minasligas; 5) Eletrosilex's CV to account for the effect of inflation; and 6) Eletrosilex's CV based on the replacement costs incurred by Eletrosilex. We determined that our adjustment for Minasligas' interest expense was appropriate. After the initial remand results were issued, the Court, on motion of the Department, ordered a second remand on whether data from the audited financial statements of Electrosilex should be utilized in calculating Eletrosilex's GS&A expenses. See American Silicon Technologies et. al v. United States, 22 CIT 128 (1998). On January 29, 1999, for the aforementioned one issue, we provided the CIT with our final results of redetermination pursuant to court remand. See Silicon Metal from Brazil, Final Results of Redetermination Pursuant to Court Remand, American Silicon Technologies v. United States, Court No. 94–09–00555, Slip Op. 98–22 (March 5, 1998) (''American Silicon Remand II''). In our redetermination, we recalculated Eletrosilex's GS&A expenses based upon Eletrosilex's audited financials. Upon review, the CIT sustained American Silicon Remand I and American Silicon Remand II and lifted the stay on the remaining three issues. See American Silicon Technologies et. al v. United States, No. 94–09–00555, Slip Op. 99–94 (Ct. Int'l Trade Sept. 9, 1999).

Of the remaining three issues, one was dismissed pursuant to the unopposed motion of the plaintiff. See American Silicon Technologies et. al v. United States, 118 F. Supp. 2d 1329, 1333 (CIT 2000). Pursuant to the Court orders of October 13, 2000, and January 24, 2001, we recalculated: 1) Companhia Brasileira Carbureto de Calcio's (''CBCC'') financial expense by using as best information available its parent company's gross, rather than net, financial expenses; and 2) CBCC's and Minasligas' CV to include the ICMS and IPI paid by CBCC and Minasligas pursuant to the CIT's instructions to proceed consistent with Camargo Correa Metais, S.A. v. United States, 200 F. 3d 771 (Fed. Cir. 1999). See Silicon Metal From Brazil, Final Results of Redetermination Pursuant To Court Remand, American Silicon Technologies et. al vs. United States, 118 F. Supp. 2d 1329, Court No. 94–09–00555, Slip Op. 2000–130 (CIT October 13, 2000) (''American Silicon Remand III''), filed on March 12, 2001. Upon review, the Court sustained American Silicon Remand III. See American Silicon Technologies et. al v. United States, No. 94–09–00555, Slip Op. 01–90 (Ct. Int'l Trade July 27, 2001) (''Slip Op. 01–90'').

Slip Op. 01–90 was not appealed. As there is a final and conclusive court decision in this case, we are amending our final results of review for the period March 29, 1991 through June 30, 1992, and we will instruct the Customs Service to liquidate entries subject to this review.

The revised weighted–average percentage margins are as follows:

Manufacturer/ exporter	Margin (percent)
CBCC	0.42
Eletrosilex	53.63
Minasligas	48.48

Accordingly, the Department will determine, and the Customs Service will assess, antidumping duties on all appropriate entries of subject merchandise in accordance with these amended final results. For assessment purposes, we have calculated importer–specific duty assessment rates for each class or kind of merchandise based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total quantity of sales examined. For companies covered by these amended results, the Department will issue appraisement instructions to the Customs Service after publication of this amended final results of review. This notice is published in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 351.221.

March 4, 2002

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 02–5658 Filed 3–7–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–601]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Final Results of New Shipper Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of new shipper reviews of tapered roller bearings and parts thereof, finished and unfinished, from the People's Republic of China.

SUMMARY: In response to requests from Peer Bearing Company – Changshan and Yantai Timken Company Limited, the Department of Commerce is conducting new shipper reviews of the antidumping

duty order on tapered roller bearings and parts thereof, finished and unfinished, from the People's Republic of China. These reviews cover these companies' entries of tapered roller bearings and parts thereof, finished and unfinished, to the United States during the period June 1, 2000 through November 30, 2000 for Yantai Timken Company Limited and June 1, 2000 through January 31, 2001 for Peer Bearing Company – Changshan.

We have determined that, during the periods of review, only Peer Bearing Company – Changshan made sales below normal value. Based on our review of comments received and a reexamination of surrogate value data, we have made certain changes in the margin calculations of the reviewed companies. Consequently, the final results differ from the preliminary results. The final weighted–average dumping margins for these firms are listed below in the section entitled ''Final Results of the New Shipper Reviews.'' Based on these final results of review, we will instruct the Customs Service to assess antidumping duties based on the difference between the export price and normal value on all appropriate entries.

EFFECTIVE DATE: March 8, 2002.

FOR FURTHER INFORMATION CONTACT: Jarrod Goldfeder or Anthony Grasso, Group 1, Office I, Antidumping/Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone (202) 482–0189 or (202) 482–3853, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

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 (''URAA''). In addition, unless otherwise indicated, all citations to the Department of Commerce's (''the Department'') regulations are to 19 CFR Part 351 (2001).

Background

On November 20, 2001, the Department issued the preliminary results of these new shipper reviews of tapered roller bearings and parts thereof, finished and unfinished (''TRBs'') from the People's Republic of China (''PRC''). See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Preliminary Results of New Shipper Reviews, 66 FR 59569 (November 29, 2001) (''Preliminary Results''). These new shipper reviews cover Yantai Timken Company Limited (''Yantai Timken'') and Peer Bearing Company – Changshan (''CPZ''). The periods of review (''PORs'') are (1) for Yantai Timken, June 1, 2000 through November 30, 2000, and (2) for CPZ, June 1, 2000 through January 31, 2001. See Preliminary Results, 66 FR at 59569.

We invited parties to comment on the Preliminary Results. On January 18, 2002, we received case briefs from the Timken Company (''the petitioner'' or ''Timken''), Yantai Timken, and CPZ. On January 25, 2002, these parties all filed rebuttal briefs. At the request of Yantai Timken and CPZ, we held a hearing on January 31, 2002.

On February 19, 2002, we postponed the final results to not later than March 5, 2002, in accordance with section 751(a)(2)(B)(iv) of the Act. See 67 FR 8937 (February 27, 2002).

Scope of the Order

Merchandise covered by this order includes tapered roller bearings and parts thereof, finished and unfinished, from the People's Republic of China (''PRC''); flange, take up cartridge, and hanger units incorporating tapered roller bearings; and tapered roller housings (except pillow blocks) incorporating tapered rollers, with or without spindles, whether or not for automotive use. This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (''HTSUS'') item numbers 8482.20.00, 8482.91.00.50, 8482.99.30, 8483.20.40, 8483.20.80, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.80, 8708.99.80.15, and 8708.99.80.80. Although the HTSUS item numbers are provided for convenience and customs purposes, the written description of the scope of the order and this review is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to these new shipper reviews are addressed in the ''Issues and Decision Memorandum'' (''Decision Memo'') from Richard W. Moreland, Deputy Assistant Secretary, Import Administration, to Faryar Shirzad, Assistant Secretary for Import Administration, dated February 19, 2002, which is hereby adopted by this notice. A list of the issues that parties have raised and to which we have responded, all of which are in the Decision Memo, is attached to this notice as an Appendix. Parties can 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 Department building. In addition, a complete version of the Decision Memo can be accessed directly on the Web at http://ia.ita.doc.gov/frn/summary/list.htm. The paper copy and electronic version of the Decision Memo are identical in content.

Changes Since the Preliminary Results

Based on our review of comments received and a reexamination of surrogate value data, we have made certain changes to the calculations for the final results. These changes are discussed in the Decision Memo or in the referenced final calculation memoranda for particular companies:

Both Companies

In the Preliminary Results, we adjusted the Japanese export data used to value the cup and cone steel inputs in order to reflect Indian imported steel values, which would assuredly include movement expenses. For the final results, we calculated a value for ocean freight for shipments made between Japan and India based on November 2001 rate quotes from Maersk Inc. submitted by Yantai Timken in its 20–day factual submission made on January 10, 2002. We adjusted this data to account for the marine insurance costs excluded from the rate quote and to make it contemporaneous with the current PORs. See Decision Memo, Comment 4.

From the Indian import data used to calculate the surrogate value used for pallets, we omitted those countries that had imports of small quantities. See Decision Memo, Comment 3.

Yantai Timken

For the final results, we relied upon Yantai Timken's submitted databases that reflect changes it made based on our findings at the U.S. verification of Yantai Timken's questionnaire response.

CPZ

For the final results, we corrected the calculation of CPZ's inventory carrying costs in order to reflect the revised short–term interest rate, as noted in the memorandum to John Brinkmann, ''Peer Bearing Company – Changshan Verification Report,'' dated October 3, 2001. Also, we revised upwards CPZ's reported U.S. indirect selling expense ratio to account for administrative expenses. See Decision Memo, Comment 5.

Final Results of the New Shipper Reviews

We determine that the following dumping margins exist for the periods June June 1, 2000 through November 30, 2000 for Yantai Timken, and June 1, 2000 through January 1, 2001 for CPZ:

Exporter/ manufacturer	Weighted–average margin percentage
CPZ	12.25
Yantai Timken	0

Assessment Rates

Pursuant to 19 CFR 351.212(b), the Department calculates an assessment rate for each importer of the subject merchandise. Because certain importer–specific assessment rates calculated in these final results are above de minimis (i.e., at or above 0.5 percent), the Department will issue appraisement instructions directly to the Customs Service to assess antidumping duties on appropriate entries by applying the assessment rate to the entered value of the merchandise. For assessment purposes, we calculate importer–specific assessment rates for the subject merchandise by aggregating the dumping duties due for all U.S. sales to each importer and dividing the amount by the total entered value of the sales to that importer.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of these new shipper reviews for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) for the PRC companies named above, the cash deposit rates will be the rates for these firms established in the final results of this review, except that, for exporters with de minimis rates (i.e., less than 0.5 percent) no deposit will be required; (2) for previously–reviewed PRC and non–PRC exporters with separate rates, the cash deposit rate will be the company–specific rate established for the most recent period during which they were reviewed; (3) for all other PRC exporters, the rate will be the PRC country–wide rate, which is 33.18 percent; and (4) for all other non–PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding APOs

This notice also serves as a reminder to parties subject to administrative protective orders (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.We are issuing and publishing this determination and notice in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act.

February 28, 2002

Faryar Shirzad,

Assistant Secretary for Import Administration.

APPENDIX

List of Comments and Issues in the Decision Memorandum

Comment 1: Market Economy Steel Values

Comment 2:Rescission of Yantai Timken's New Shipper Review

Comment 3: Surrogate Value for Pallets and Other Factors

Comment 4: Adding Ocean Freight and Marine Insurance to the Japanese Exports to India Data

Comment 5: CPZ's Indirect Selling Expenses

Comment 6: CPZ's Post–Sale Warehousing Expenses

Comment 7: Price of CPZ's Sample Sale

Comment 8: CPZ's Credit Expense

Comment 9: CPZ's Inventory Carrying Cost

[FR Doc. 02–5659 Filed 3–7–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–854]

Certain Tin Mill Products From Japan: Preliminary Results of Changed Circumstances Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Preliminary Results of Changed Circumstances Review and Intent to Revoke in Part the Antidumping Duty Order.

SUMMARY: On January 25, 2002, the Department of Commerce (''the Department'') published a notice of initiation of a changed circumstances review with the intent to revoke, in part, the antidumping duty order on certain tin mill products from Japan with respect to certain tin–free steel as described below. See Certain Tin Mill Products From Japan: Notice of Initiation of Changed Circumstances Review of the Antidumping Order, 67 FR 3686 (January 25, 2002) (''Initiation Notice''). In our Initiation Notice we invited interested parties to comment; however, we did not receive any comments. We now preliminarily revoke this order, in part, with respect to future entries of certain tin–free steel described below, based on the fact that domestic parties have expressed no interest in the continuation of the order with respect to these particular tin–free steel products.

EFFECTIVE DATE: March 8, 2002.

FOR FURTHER INFORMATION CONTACT: Michael Ferrier, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–1394.

THE APPLICABLE STATUTE AND REGULATIONS

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930, as amended (''the Act''), by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations as codified at 19 C.F.R. Part 351 (2001).

SUPPLEMENTARY INFORMATION:

Background

On August 28, 2000, the Department published in the Federal Register the

antidumping duty order on certain tin mill products from Japan. See Notice of Antidumping Duty Order: Certain Tin Mill Products from Japan 65 FR 52067 (August 28, 2000) (TMP Order). On December 3, 2001, Okaya (U.S.A.), Inc. (''Okaya''), a U.S. importer requested that the Department revoke in part the antidumping duty order on certain tin mill products from Japan. Okaya also requested that the partial revocation apply retroactively for all unliquidated entries. Specifically, the U.S. importer requested that the Department revoke the order with respect to imports meeting the following specifications: Steel coated with a metallic chromium layer between 100–200 mg/m^2 and a chromium oxide layer between 5–30 mg/m^2; chemical composition of 0.05% maximum carbon, 0.03% maximum silicon, 0.60% maximum manganese, 0.02% maximum phosphorous, and 0.02% maximum sulfur; magnetic flux density (''Br'') of 10 kg minimum and a coercive force (''Hc'') of 3.8 Oe minimum. The U.S. importer indicated that, based on its consultations with domestic producers, the domestic producers lack interest in producing this specialized product.

On January 16, 2002, Weirton Steel, the only petitioner producer in the underlying investigation filed a letter stating that they did not object to the exclusion of this product from the order. Weirton Steel, a domestic producer of tin mill products, together with the Independent Steelworkers Union and the United Steelworkers of America, AFL–CIO, were the petitioners in the underlying sales at less–than–fair–value investigation (see TMP Order). The Department noted that Weirton Steel is a producer of tin mill products, but individually does not account for substantially all of the production of the domestic like product. See Certain Tin Mill Products From Japan: Final Results of Changed Circumstances Review, 66 FR 52109 (October 12, 2001). However, the Department had no information on the record that the other known domestic producers of tin mill products, Bethlehem Steel Corp., National Steel Corp., Midwest Division, Ohio Coatings Co., U.S. Steel Group, a Unit of USX Corp., and USS–Posco Industries, Inc., had no interest in maintaining the antidumping duty order with respect to certain tin–free steel described in Okaya's request. Therefore, we did not combine this initiation with the preliminary determination, which is our normal practice under section 351.221(c)(3)(ii). On January 25, 2002, the Department published a notice of initiation of a changed circumstances review of the antidumping duty order on certain tin mill products from Japan with respect to certain tin–free steel. See Initiation Notice. In the Initiation Notice, we indicated that interested parties could submit comments for consideration in the Department's preliminary results not later than 20 days after publication of the initiation of the review, and submit responses to those comments no later than 10 days following the submission of comments. We did not receive any comments.

Scope of Review

The products covered by this antidumping order are tin mill flat–rolled products that are coated or plated with tin, chromium or chromium oxides. Flat–rolled steel products coated with tin are known as tin plate. Flat–rolled steel products coated with chromium or chromium oxides are known as tin–free steel or electrolytic chromium–coated steel. The scope includes all the noted tin mill products regardless of thickness, width, form (in coils or cut sheets), coating type (electrolytic or otherwise), edge (trimmed, untrimmed or further processed, such and scroll cut), coating thickness, surface finish, temper, coating metal (tin, chromium, chromium oxide), reduction (single– or double–reduced), and whether or not coated with a plastic material. All products that meet the written physical description are within the scope of this order unless specifically excluded. The following products, by way of example, are outside and/or specifically excluded from the scope of this order:

– Single reduced electrolytically chromium coated steel with a thickness 0.238 mm (85 pound base box) (#10%) or 0.251 mm (90 pound base box) (#10%) or 0.255 mm (#10%) with 770 mm (minimum width) (#1.588 mm) by 900 mm (maximum length if sheared) sheet size or 30.6875 inches (minimum width) (# 1/16 inch) and 35.4 inches (maximum length if sheared) sheet size; with type MR or higher (per ASTM) A623 steel chemistry; batch annealed at T2 1/2 anneal temper, with a yield strength of 31 to 42 kpsi (214 to 290 Mpa); with a tensile strength of 43 to 58 kpsi (296 to 400 Mpa); with a chrome coating restricted to 32 to 150 mg/m^2; with a chrome oxide coating restricted to 6 to 25 mg/m^2 with a modified 7B ground roll finish or blasted roll finish; with roughness average (Ra) 0.10 to 0.35 micrometers, measured with a stylus instrument with a stylus radius of 2 to 5 microns, a trace length of 5.6 mm, and a cut–off of 0.8 mm, and the measurement traces shall be made perpendicular to the rolling direction; with an oil level of 0.17 to 0.37 grams/base box as type BSO, or 2.5 to 5.5 mg/m^2 as type DOS, or 3.5 to 6.5 mg/m^2 as type ATBC; with electrical conductivity of static probe voltage drop of 0.46 volts drop maximum, and with electrical conductivity degradation to 0.70 volts drop maximum after stoving (heating to 400 degrees F for 100 minutes followed by a cool to room temperature).

– Single reduced electrolytically chromium–or tin–coated steel in the gauges of 0.0040 inch nominal, 0.0045 inch nominal, 0.0050 inch nominal, 0.0061 inch nominal (55 pound base box weight), 0.0066 inch nominal (60 pound base box weight), and 0.0072 inch nominal (65 pound base box weight), regardless of width, temper, finish, coating or other properties.

– Single reduced electrolytically chromium coated steel in the gauge of 0.024 inch, with widths of 27.0 inches or 31.5 inches, and with T–1 temper properties.

– Single reduced electrolytically chromium coated steel, with a chemical composition of 0.005% max carbon, 0.030% max silicon, 0.25% max manganese, 0.025% max phosphorous, 0.025% max sulfur, 0.070% max aluminum, and the balance iron, with a metallic chromium layer of 70–130 mg/m^2, with a chromium oxide layer of 5–30 mg/m^2 , with a tensile strength of 260–440 N/mm^2, with an elongation of 28–48%, with a hardness (HR–30T) of 40–58, with a surface roughness of 0.5–1.5 microns Ra, with magnetic properties of Bm (KG)10.0 minimum, Br (KG) 8.0 minimum, Hc (Oe) 2.5–3.8, and MU 1400 minimum, as measured with a Riken Denshi DC magnetic characteristic measuring machine, Model BHU–60.

– Bright finish tin–coated sheet with a thickness equal to or exceeding 0.0299 inch, coated to thickness of 3/4 pound (0.000045 inch) and 1 pound (0.00006 inch).

– Electrolytically chromium coated steel having ultra flat shape defined as oil can maximum depth of 5/64 inch (2.0 mm) and edge wave maximum of 5/64 inch (2.0 mm) and no wave to penetrate more than 2.0 inches (51.0 mm) from the strip edge and coilset or curling requirements of average maximum of 5/64 inch (2.0 mm) (based on six readings, three across each cut edge of a 24 inches (61 cm) long sample with no single reading exceeding 4/32 inch (3.2 mm) and no more than two readings at 4/32 inch (3.2 mm)) and (for 85 pound base box item only: crossbuckle maximums of 0.001 inch (0.0025 mm) average having no reading above 0.005 inch (0.127 mm)), with a camber maximum of 1/4 inch (6.3 mm)

per 20 feet (6.1 meters), capable of being bent 120 degrees on a 0.002 inch radius without cracking, with a chromium coating weight of metallic chromium at 100 mg/m² and chromium oxide of 10 mg/m², with a chemistry of 0.13% maximum carbon, 0.60% maximum manganese, 0.15% maximum silicon, 0.20% maximum copper, 0.04% maximum phosphorous, 0.05% maximum sulfur, and 0.20% maximum aluminum, with a surface finish of Stone Finish 7C, with a DOS–A oil at an aim level of 2 mg/square meter, with not more than 15 inclusions/foreign matter in 15 feet (4.6 meters) (with inclusions not to exceed 1/32 inch (0.8 mm) in width and 3/64 inch (1.2 mm) in length), with thickness/temper combinations of either 60 pound base box (0.0066 inch) double reduced CADR8 temper in widths of 25.00 inches, 27.00 inches, 27.50 inches, 28.00 inches, 28.25 inches, 28.50 inches, 29.50 inches, 29.75 inches, 30.25 inches, 31.00 inches, 32.75 inches, 33.75 inches, 35.75 inches, 36.25 inches, 39.00 inches, or 43.00 inches, or 85 pound base box (0.0094 inch) single reduced CAT4 temper in widths of 25.00 inches, 27.00 inches, 28.00 inches, 30.00 inches, 33.00 inches, 33.75 inches, 35.75 inches, 36.25 inches, or 43.00 inches, with width tolerance of # 1/8 inch, with a thickness tolerance of #0.0005 inch, with a maximum coil weight of 20,000 pounds (9071.0 kg), with a minimum coil weight of 18,000 pounds (8164.8 kg) with a coil inside diameter of 16 inches (40.64 cm) with a steel core, with a coil maximum outside diameter of 59.5 inches (151.13 cm), with a maximum of one weld (identified with a paper flag) per coil, with a surface free of scratches, holes, and rust.

– Electrolytically tin coated steel having differential coating with 1.00 pound/base box equivalent on the heavy side, with varied coating equivalents in the lighter side (detailed below), with a continuous cast steel chemistry of type MR, with a surface finish of type 7B or 7C, with a surface passivation of 0.7 mg/square foot of chromium applied as a cathodic dichromate treatment, with coil form having restricted oil film weights of 0.3–0.4 grams/base box of type DOS–A oil, coil inside diameter ranging from 15.5 to 17 inches, coil outside diameter of a maximum 64 inches, with a maximum coil weight of 25,000 pounds, and with temper/coating/dimension combinations of : (1) CAT 4 temper, 1.00/.050 pound/base box coating, 70 pound/base box (0.0077 inch) thickness, and 33.1875 inch ordered width; or (2) CAT5 temper, 1.00/0.50 pound/base box coating, 75 pound/base box (0.0082 inch) thickness, and 34.9375 inch or 34.1875 inch ordered width; or (3) CAT5 temper, 1.00/0.50 pound/base box coating, 107 pound/base box (0.0118 inch) thickness, and 30.5625 inch or 35.5625 inch ordered width; or (4) CADR8 temper, 1.00/0.50 pound/base box coating, 85 pound/base box (0.0093 inch) thickness, and 35.5625 inch ordered width; or (5) CADR8 temper, 1.00/0.25 pound/base box coating, 60 pound/base box (0.0066 inch) thickness, and 35.9375 inch ordered width; or (6) CADR8 temper, 1.00/0.25 pound/base box coating, 70 pound/base box (0.0077 inch) thickness, and 32.9375 inch, 33.125 inch, or 35.1875 inch ordered width.

– Electrolytically tin coated steel having differential coating with 1.00 pound/base box equivalent on the heavy side, with varied coating equivalents on the lighter side (detailed below), with a continuous cast steel chemistry of type MR, with a surface finish of type 7B or 7C, with a surface passivation of 0.5 mg/square foot of chromium applied as a cathodic dichromate treatment, with ultra flat scroll cut sheet form, with CAT 5 temper with 1.00/0.10 pound/base box coating, with a lithograph logo printed in a uniform pattern on the 0.10 pound coating side with a clear protective coat, with both sides waxed to a level of 15–20 mg/216 sq. in., with ordered dimension combinations of (1) 75 pound/base box (0.0082 inch) thickness and 34.9375 inch x 31.748 inch scroll cut dimensions; or (2) 75 pound/base box (0.0082 inch) thickness and 34.1875 inch x 29.076 inch scroll cut dimensions; or (3) 107 pound/base box (0.0118 inch) thickness and 30.5625 inch x 34.125 inch scroll cut dimension.

The merchandise subject to this order is classified in the Harmonized Tariff Schedule of the United States (''HTSUS''), under HTSUS subheadings 7210.11.0000, 7210.12.0000, 7210.50.0000, 7212.10.0000, and 7212.50.0000 if of non–alloy steel and under HTSUS subheadings 7225.99.0090, and 7226.99.0000 if of alloy steel. Although the subheadings are provided for convenience and Customs purposes, our written description of the scope of this review is dispositive.

Preliminary Results of Review and Intent to Revoke in Part the Antidumping Duty Order

Pursuant to sections 751(d)(1) of the Act, the Department may revoke an antidumping or countervailing duty order, in whole or in part, based on a review under section 751(b) of the Act (i.e., a changed circumstances review). Section 751(b)(1) of the Act requires a changed circumstances review to be conducted upon receipt of a request which shows changed circumstances sufficient to warrant a review. Section 351.222(g) of the Department's regulations provides that the Department will conduct a changed circumstances administrative review under 19 C.F.R. 351.216, and may revoke an order (in whole or in part), if it determines that (i) producers accounting for substantially all of the production of the domestic like product to which the order pertains have expressed a lack of interest in the relief provided by the order, in whole or in part, or (ii) if other changed circumstances sufficient to warrant revocation exist. To the Department's knowledge the following are U.S. producers of tin mill products: Bethlehem Steel Corp., National Steel Corp., Midwest Division, Ohio Coatings Co., U.S. Steel Group, a Unit of USX Corp., and USS–Posco Industries, Inc. Since the Department did not receive any comments during the comment period, the Department is preliminarily revoking the order on certain tin mill products from Japan in part for all future entries with regard to the products which meet the specifications above.

Interested parties wishing to comment on these results may submit briefs to the Department no later than 14 days after the publication of this notice in the Federal Register. Parties will have five days subsequent to this due date to submit rebuttal comments, limited to

The issues raised in those comments. Parties who submit comments or rebuttal comments in this proceeding are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument (no longer than five pages, including footnotes). Any requests for hearing must be filed within 14 days of the publication of this notice in the Federal Register.

All written comments must be submitted in accordance with 19 CFR 351.303, and must be served on all interested parties on the Department's service list. The Department will also issue its final results of review within 270 days after the date on which the changed circumstances review is initiated, in accordance with 19 CFR 351.216(e), and will publish these results in the Federal Register. While the changed circumstances review is underway, the current requirement for a cash deposit of estimated antidumping duties on all subject merchandise, including the merchandise that is the subject of this changed circumstances

review, will continue unless and until it is modified pursuant to the final results of this changed circumstances review or an administrative review.

This notice is in accordance with sections 751(b)(1) and 777(i)(1) of the Act and 19 CFR 351.216 and 351.222.

March 4, 2002

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 02–5660 Filed 3–7–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[C–475–830]

Countervailing Duty Order: Stainless Steel Bar From Italy

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of countervailing duty order.

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Suresh Maniam at (202) 482–0176; Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the ''Act'') by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce's (the ''Department'') regulations are references to the provisions codified at 19 CFR part 351 (April 2000).

Scope of Order

For purposes of this order, the term ''stainless steel bar'' includes articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons, or other convex polygons. Stainless steel bar includes cold-finished stainless steel bars that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut length flat-rolled products (*i.e.*, cut length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), products that have been cut from stainless steel sheet, strip or plate, wire (*i.e.*, cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes and sections.

The stainless steel bar subject to this order is currently classifiable under subheadings 7222.11.00.05, 7222.11.00.50, 7222.19.00.05, 7222.19.00.50, 7222.20.00.05, 7222.20.00.45, 7222.20.00.75, and 7222.30.00.00 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

Countervailing Duty Order

On January 23, 2002, the Department published in the **Federal Register** the Final Affirmative Countervailing Duty Determination: Stainless Steel Bar from Italy, 67 FR 3163 (January 23, 2002).

On February 28, 2002, in accordance with section 705(d) of the Act, the U.S. International Trade Commission notified the Department that a U.S. industry is ''materially injured,'' within the meaning of section 705(b)(1)(A)(i) of the Act, by reason of imports of stainless steel bar from Italy.

Therefore, in accordance with section 706(a)(1) of the Act, the Department will direct the Customs Service to assess, upon further advice by the Department, countervailing duties equal to the amount of the net countervailable subsidy determined to exist for entries of stainless steel bar from Italy, except for subject merchandise both produced and exported by Acciaierie Valbruna S.p.A. (''Valbruna''), Acciaiera Foroni S.p.A. (''Foroni''), Trafilerie Bedini, S.r.l. (''Bedini''), Italfond S.p.A. (''Italfond''), and Rodacciai S.p.A. (''Rodacciai'') which all received a zero or *de minimis* final rate. For all producers and exporters, with the exception of Valbruna, Foroni, Bedini, Italfond, and Rodacciai, countervailing duties will be assessed on all unliquidated entries of stainless steel bar from Italy entered, or withdrawn from warehouse, for consumption on or after June 6, 2001, the date of publication of the Department's preliminary determination in the **Federal Register** (see Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination: Stainless Steel Bar From Italy, 66 FR 30414 (June 6, 2001)), and before October 4, 2001, the date the Department instructed Customs to discontinue the suspension of liquidation in accordance with section 703(d) of the Act (*see also,* The Statement of Administrative Action, H. Doc. No. 103–316, Vol. 1 at 874 (1994), reprinted in 1994 U.S.C.C.A.N. 3773, 4163), and on all subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this countervailing duty order in the **Federal Register**.

On or after the date of publication of this notice in the **Federal Register**, Customs officers must require, at the same time as importers would normally deposit estimated duties, cash deposits for the subject merchandise equal to the countervailing duty rates as noted below. The ''All Others'' rate applies to all exporters of stainless steel bar from Italy not specifically listed below:

Producer/Exporter	Percent [1]
Cogne Acciai Speciali S.r.l	13.17
Acciaierie Valbruna S.p.A	([2])
Acciaiera Foroni S.p.A	([2])
Trafilerie Bedini S.r.l	([2])
Italfond S.p.A	([2])
Rodacciai S.p.A	([2])
All Others	13.17

[1] Net subsidy rate.
[2] Excluded.

This notice constitutes the countervailing duty order with respect to stainless steel bar from Italy, pursuant to section 705(a) of the Act. Interested parties may contact the Central Records Unit, Room B–099 of the Main Commerce Building for copies of an updated list of countervailing duty orders currently in effect.

This order is published in accordance with sections 706(a) and 19 CFR 351.211.

Dated: March 5, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 02–5749 Filed 3–7–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030402B]

Proposed Information Collection; Comment Request; Small-Boat Commercial Fishing Exemptions Social Impacts Study

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, 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, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before May 7, 2002.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6608, 14th and Constitution Avenue NW, Washington DC 20230 (or via the Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Dr. Jennifer Sepez, Regional Anthropologist, Alaska Fisheries Science Center, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service; 7600 Sand Point Way NE, Seattle, WA 98115–0070.

SUPPLEMENTARY INFORMATION:

I. Abstract

The adoption of an area and fishery-specific approach in recently adopted protection measures for threatened and endangered Stellar sea lion populations in Alaska included an exemption for certain small boats in the Unalaska area, allowing for a limited Pacific cod fishery by longliner catcher vessels on the west side of Unalaska Island. Consideration of a similar exemption for small-boats fishing in and around Chignik, Alaska was not adopted. This study will assess and compare the social impacts of the new small-boat fleet regulations on these two fishing communities. The information will provide an improved understanding of the value of small-boat fishing exemptions as a management tool for mitigating social impacts.

II. Method of Collection

Study information will be collected in face-to-face interviews with key individuals. Participation will be entirely voluntary.

III. Data

OMB Number: None.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Individuals or households, and business or other for-profit organizations.

Estimated Number of Respondents: 100.

Estimated Time Per Response: 30 minutes.

Estimated Total Annual Burden Hours: 50 hours.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

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 shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) 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.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 28, 2002.

Madeleine Clayton,

Departmental Paperwork Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 02–5621 Filed 3–7–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 051101B]

Notice of Availability of Final Stock Assessment Reports

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

ACTION: Notice of availability of final marine mammal stock assessment reports; response to comments.

SUMMARY: NMFS has incorporated public comments into revisions of marine mammal stock assessment reports (SARs). The 2001 final SARs are now complete and available to the public.

ADDRESSES: Send requests for printed copies of reports to: Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3226, Attn: Stock Assessments. Copies of the Alaska Regional SARs may be requested from Robyn Angliss, Alaska Fisheries Science Center (F/AKC), NMFS, 7600 Sand Point Way, NE BIN 15700, Seattle, WA 98115–0070.

Copies of the Atlantic and Gulf of Mexico Regional SARs may be requested from Janeen Quintal, Northeast Fisheries Science Center, 166 Water St., Woods Hole, MA 02543 or Steven Swartz, Southeast Fisheries Science Center, 75 Virginia Beach Dr., Miami, FL 33149.

Copies of the Pacific Regional SARs may be requested from Tim Price, Southwest Regional Office (F/SWO3), NMFS, 501 West Ocean Boulevard, Long Beach, CA 90802–4213.

FOR FURTHER INFORMATION CONTACT: Emily Menashes, Office of Protected Resources, 301–713–2322, ext. 101, e-mail Emily.Menashes@noaa.gov; Robyn Angliss 206- 526–4032, e-mail Robyn.Angliss@noaa.gov, regarding Alaska regional stock assessments; Janeen Quintal, 508–495–2252, e-mail Janeen.Quintal@noaa.gov, regarding Northwest Atlantic regional stock assessments; Steven Swartz, 305–361–4487, e-mail Steven.Swartz@noaa.gov, regarding Mid-Atlantic and Gulf of Mexico regional stock assessments; or Tim Price, 562–980–4020, e-mail Tim.Price@noaa.gov, regarding Pacific regional stock assessments.

SUPPLEMENTARY INFORMATION:

Electronic Access

All stock assessment reports and the guidelines for preparing them are available via the Internet at *http://www.nmfs.noaa.gov/prot—res/PR2/Stock—Assessment—Program/sars.html.*

Background

Section 117 of the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361 *et seq.*) requires NMFS and the U.S. Fish and Wildlife Service (FWS) to prepare stock assessments for each stock of

marine mammals that occurs in waters under the jurisdiction of the United States. These reports must contain information regarding the distribution and abundance of the stock, population growth rates and trends, estimates of annual human-caused mortality and serious injury from all sources, descriptions of the fisheries with which the stock interacts, and the status of the stock. Initial reports were completed in 1995.

The MMPA requires NMFS and FWS to review the SARs at least annually for strategic stocks and stocks for which significant new information is available and at least once every 3 years for non-strategic stocks. NMFS and the FWS are required to revise a SAR if the status of the stock has changed or can be more accurately determined.

Draft 2001 SARs were made available for a 90–day public review and comment period on June 7, 2001 (66 FR 30706). Prior to their release for public review and comment, NMFS subjected the draft reports to internal technical review and to scientific review by regional Scientific Review Groups (SRGs) established under the MMPA. Following the close of the comment period, NMFS revised the reports as needed to prepare final 2001 SARs. Printed copies may be obtained by request (see **ADDRESSES**).

NMFS appended the most recent versions of the SARs for polar bears, sea otters, walrus, and manatees to NMFS' final 2001 SARs. These reports were prepared by the FWS and were included so that interested constituents would have reports for all regional stocks in a single document.

Comments and Responses

NMFS received three letters containing comments on the draft 2001 SARs. Each letter contained multiple comments on stocks in each of the three regional reports. Other comments were related to national issues common among the regional reports. The comments and responses below are separated according to the regional scope of the comments.

Comments on National Issues

Comment 1: Commenters recommended additional research, monitoring, or conservation measures based on information contained in the draft SARs. For example, commenters noted that revised abundance and mortality estimates are needed for some marine mammal stocks or that additional observer coverage is needed in some fisheries. Commenters also stated that NMFS should convene additional take reduction teams.

Response: NMFS understands that abundance and mortality estimates for many stocks of marine mammals are less precise or current than if they were based on additional information. Such a situation is the unfortunate consequence of a finite budget and many conservation issues. NMFS prioritizes abundance estimates according to the age and precision of the estimate and the estimated mortality level, particularly mortality incidental to commercial fishing interactions. When annual mortality is considered to be relatively small, the priority for updating the estimate is low. In those cases in which a low mortality rate (e.g., less than 10 per year) exceeds a Potential Biological Removal (PBR) level calculated from an abundance estimate that included only a small part of the stock's range (e.g., false killer whale, Hawaiian stock), the priority for obtaining an abundance estimate is low relative to many other situations.

Other than a rotating observer program in the Alaska Region, existing observer programs are tied directly to existing take reduction plans. NMFS will not be able to implement large, new observer programs until new funds are available or until the success of the current take reduction plans makes the associated observer programs unnecessary.

Although NMFS recognizes that fishery-related mortality exceeds PBR in some stocks of marine mammals, current funding levels limit NMFS' ability to implement additional take reduction programs.

Comment 2: Commenters noted that the SARs include many stocks of marine mammals with abundance estimates that are at least 5 years old. According to the guidelines for developing SARs, the calculated PBR values should be decreased by 20 percent per year when minimum population estimates are more than 5 years old. Commenters encouraged NMFS to follow these guidelines throughout the SARs and to schedule population surveys to obtain current abundance estimates for management and to avoid these default PBR levels and their possible impacts on fisheries. Other comments also noted abundance estimates that were old and recommended that PBR be changed to zero for several stocks of marine mammals nationally.

Response: NMFS and FWS prepared guidelines for the initial stock assessment reports in 1995 and included a provision for reducing the PBR where abundance estimates were more than 5 years old. NMFS and FWS reviewed these guidelines, in consultation with the regional SRGs, after the initial reports were completed to evaluate how well the guidelines were performing and to revise as appropriate. Following the review, the guidelines were revised to state that abundance estimates older than 8 years are not reliable indicators of the current number of marine mammals in the affected stock. The revised guidelines state that PBR will be undefined when abundance estimates are more than 8 years old unless there is compelling evidence that the stock has not declined since the last abundance estimate. All assessment reports and the guidelines for preparing them are available electronically (see Electronic Access).

Comment 3: One commenter stated that some regions included all stock assessments, whether or not they are revised, while some only include those that have been revised. Some regions did not review all strategic stocks. Stock assessments for all strategic stocks must be revised annually as required by the MMPA. The commenter also stated that the MMPA requires that stock assessments for strategic stocks be reviewed annually and stipulates that updates are also warranted when new information is available that may affect the status of the stocks.

Response: MMPA section 117(c) provides that SARs are to be reviewed based on an established schedule (at least annually for strategic stocks or stocks for which significant new information is available; at least once every 3 years for all other stocks). When it is determined, based on review, that the status of the stock has changed or can be more accurately determined, the SAR must be revised.

All strategic stocks are reviewed each year. However, the stock assessment reports must be revised only when the review indicates that the status of the stock has changed or can be more accurately determined. For example, new abundance estimates or new information on fishery and/or natural mortality could result in the revision of a stock assessment report. However, NMFS routinely revises the SARs with new information even when it is not significant or does not indicate that the status of the stock has changed or can be more accurately determined.

To make it easier to find information on marine mammal stocks, NMFS is printing all SARs, revised or not, in the final SARs for each year. However, for the draft report, the regions have only been asked to include revised SARs.

Additionally, the review schedules for non-strategic stocks vary across regions. For example, the Pacific SRG requested that reports for non-strategic stocks be reviewed as a group every 3 years. The

Alaska SRG requested that NMFS review and revise, as needed, one third of the reports annually so that each is reviewed every 3 years.

Comment 4: One commenter noted that the SARs only included information through 1999 and asked why it was not possible to provide more updated information.

Response: The process of preparing and reviewing SARs takes time, which results in an unfortunate but necessary lag in the data that is included in each SAR relative to when that SAR is published. NMFS staff began working on the draft 2001 SARs in the summer of 2000. At that time, the most recent full year of data were used. In the case of the 2001 SARs, 1999 data were available, but a full year of 2000 data were not yet available. The SARs were reviewed by the appropriate SRG in the fall of 2000. Based on comments received from the SRGs, the draft SARs were revised before being released for public review and comment in the summer of 2001. The draft 2001 SARs were made available for a 90–day public comment period, after which NMFS staff needed to respond to comments received and revise the SARs accordingly.

NMFS does use more updated information than is presented in the most recent final SAR. For example, the newly formed Bottlenose Dolphin Take Reduction Team is considering information about Atlantic coastal bottlenose dolphins that has been reviewed by the Atlantic SRG, but that will not be available for public review and comment in the SAR until the draft 2002 SARs are released in the spring of 2002. Similarly, information on marine mammal mortality of relevance to other Take Reduction Teams are made available for Team use prior to being published in a final SAR.

Comment 5: One commenter recommended that estimates of entanglement- or collision-related mortality should consider all available data and use analytical procedures intended to provide the best possible estimates of mortality rather than minimum estimates. The commenter specifically expressed concern about the SARs for right whales and humpback whales in the North Atlantic, which base estimates of entanglement- or collision-related mortality only on those cases where ''substantial evidence'' is available.

Response: NMFS uses all available data and analytical procedures to develop estimates of mortality and takes a precautionary approach by using standards for interpreting serious injuries that equate seriously injured animals with mortalities. However, it is not appropriate to apply the bycatch estimation protocols used for small cetaceans to entangled animals. Any attempt to do this with the current limited knowledge of entanglement rates would yield unreliable estimates.

It is also not correct to assume that all injuries are serious and lead to the mortality of an animal. For example, we know from scarring and other data that many entanglements are not serious. NMFS has determined that the best approach is to investigate each case individually, collecting all available information and assigning anthropogenic causes to those cases for which there is appropriate evidence.

The quality of the reports received from the field has the greatest impact on NMFS' ability to assess and injury as serious or not. NMFS is working to improve reporting on the beach by requiring stranding personnel to complete a new ''Human Interaction Form'' in addition to the standard Level A stranding reporting form. The new form prompts responders to look for and report indications of human interactions on stranded animals in greater detail, which should allow NMFS to make determinations with a higher degree of confidence. To address reports of entanglements and mortalities offshore, NMFS initiated a streamlined, East and Gulf coast-wide communications network involving the Coast Guard to assist in realtime reporting of events. The system will put observers in direct contact with experts who can then ask case-specific questions to thoroughly assess each event.

Comment 6: One commenter stated that NMFS should incorporate in the SARS analyses to measure the power with which observer programs can estimate mortality and serious injury levels equivalent to the potential PBR level.

Response: NMFS is aware of the limitations of the observer program to yield precise estimates of mortality rates. Considering available funding, NMFS tries to balance the need to obtain marine mammal mortality estimates for a variety of fisheries with the need to obtain mortality estimates that are as precise as possible. NMFS will consider the suggestion to include a power analysis for future SARs.

Comment 7: One commenter stated that for some stocks, it may be more efficient for NMFS to develop mechanisms to calculate PBR or a PBR-equivalent using general density or relative indices of abundance.

Response: For some stocks, NMFS has used the approach suggested by the commenter. In cases where a mortality estimate is available, but reliable abundance estimates are not, NMFS has used the PBR equation to calculate the population size that would be needed to support known mortality levels. This method provides an idea of whether the mortality level is sustainable. However, section 3(20) the MMPA includes an equation to calculate PBR levels.

Comment 8: One commenter noted that the SARs describe mortality and serious injury that occur as a result of direct interactions with commercial fisheries, but do not address indirect interactions with commercial fisheries, which also may restrict population growth. NMFS should expand the reports to include all human-related factors that could impede population growth or recovery as required by section 117(a)(3) of the MMPA. Although quantitative descriptions of indirect effects will be very difficult, the potential for such effects should be described for each species or stock vulnerable to such effects.

Response: Section 117(a)(3) of the MMPA requires NMFS to, ''estimate the annual human-caused mortality and serious injury of the stock by source and, for a strategic stock, other factors that may be causing a decline or impeding recovery of the stock, including effects on marine mammal habitat and prey.'' NMFS recognizes the need to identify other factors that may affect a marine mammal population in the Guidelines for Assessing Marine Mammal Stocks (Wade and Angliss 1997): ''A statement about habitat issues should be included in the Status section of the Reports, or, if needed, in a separate section titled ''Habitat Issues''. If data exist that indicate a problem, they should be summarized and included in the Reports. If there are no known habitat issues for a stock, this should be explicitly stated, as consideration of habitat issues are mandated by the act.'' However, NMFS does not have the information necessary to make a statement in the SARs indicating whether habitat issues are or are not of concern for each marine mammal stock. NMFS has been focusing its limited resources on improving estimates of direct interactions with commercial fisheries.

Comment 9: One commenter recommended that NMFS should improve the incorporation of stranding data in fishery mortality estimates for all stocks.

Response: NMFS considers stranding data and incorporates it as appropriate into the SARs. In situations where observer coverage allows calculation of a mortality estimate, it is not appropriate to use stranding data to

supplement the mortality estimate if the stranded animal could be included in the projection of a mortality estimate resulting from observer coverage. However, NMFS has used stranding data to supplement mortality estimates if observer coverage is not available or if the stranded animal would not have been included in the mortality estimate from observer coverage.

Comment 10: One commenter recommended that NMFS make every effort to increase compliance with the self-reporting requirements of the MMPA.

Response: NMFS conducts outreach and education to the fishing industry that informs them of the requirement to report incidental mortality and serious injury of marine mammals incidental to commercial fishing activities. To expand these efforts, NMFS would have to redirect funding and staff from other research and conservation needs, such as abundance estimates, observer coverage, or implementation of take reduction plans. Other comments note that these other research and conservation efforts should be expanded.

Comment 11: One commenter stated that NMFS should finalize its definition of serious injury. NMFS should then provide the SRGs with clear guidance, so they may consistently determine what constitutes serious injury and incorporate that into their assessments.

Response: NMFS agrees and will make finalizing the serious injury guidelines a priority.

Comment 12: One commenter suggested that NMFS publish the recommendations made by the SRGs with the SARs, as well as NMFS' plans to implement the recommendations. Additionally, NMFS should include proposed budgets to undertake these programs. Publishing this information could potentially facilitate greater involvement and support from interest groups who are dedicated in their efforts to secure adequate funding for NMFS and its programs.

Response: NMFS will consider the commenter's recommendation to make SRG comments, NMFS response, and budget information more widely available.

Alaska Regional SARs

Comment 13: One commenter stated that the preface to the Alaska SARs should be modified to indicate that descriptions of geographic range, a minimum population estimate, current population trends, current and maximum net productivity rates, optimum sustainable population levels and allowable removals, and estimates of annual human-caused mortality and serious injury are estimated when sufficient data are available.

Response: NMFS will make the recommended change in the preface to the Alaska SARs.

Comment 14: One commenter noted that sections of the SAR for Cook Inlet beluga whales contain different estimates of population abundance. This should be corrected.

Response: The SAR has been corrected to identify 435 whales as the correct estimate of abundance.

Comment 15: One commenter stated that, given the extremely low abundance of the Cook Inlet stock of beluga whales, the recovery factor should be set to 0.1, as recommended by the Alaska SRG or NMFS should provide a justification for the selection of 0.3 based on an analysis of factors that may affect the population in the future.

Response: NMFS determined that it was not appropriate to list this stock under the Endangered Species Act (ESA) in 2000 (65 FR 38778, June 22, 2000). If an ESA listing was determined to be appropriate, NMFS would have considered using the default recovery factor of 0.1, which is typically used for endangered species. NMFS determined that it was appropriate to designate this stock as depleted under the MMPA (65 FR 34590; May 31, 2000). The default recovery factor for a depleted stock is 0.5. However, because of the small size of the population, NMFS decreased the recovery factor from 0.5 to 0.3. A more conservative recovery factor is not necessary because the largest source of mortality, which is from the local subsistence harvest, has greatly decreased since 1999 and is being carefully managed through statutory authority and a co-management agreement between the Cook Inlet Marine Mammal Council and NMFS.

Because the harvest has been limited, direct human-caused mortality is not an important factor for Cook Inlet beluga whales; thus, a lower PBR level would serve no purpose.

Comment 16: One commenter stated that reliable, updated, or improved estimates of abundance are needed for stocks of spotted seal, Pacific white-sided dolphin, Dall's porpoise, sperm whale, all stocks of beaked whales, both stocks of humpback whale, fin whale, minke whale, ribbon seal, North Pacific right whale, and bowhead whale. In addition, estimates for stocks of bearded seal and ringed seal are based on an incomplete survey of their range. This should be rectified.

Response: NMFS has obtained abundance estimates of pinnipeds and cetaceans that are of highest conservation concern, including Steller sea lions, Cook Inlet beluga whales, humpback whales, northern fur seals, harbor seals, killer whales and harbor porpoise. Surveys to collect abundance estimates of other species are conducted as funds are available. Conducting surveys for stocks that are known or strongly suspected to be abundant and broadly distributed are prioritized lower than stocks that are designated as threatened or endangered under the ESA, as depleted under the MMPA, or for which the conservation issues are known or severe. NMFS determines population abundance estimates for all marine mammal stocks as required by the MMPA as resources allow.

NMFS' plans to collect information on the stocks identified by the commenter follow.

Spotted seal, bearded seal, ringed seal: surveys of a portion of each stock's range were conducted during the 1990's. Based on these surveys, other stocks of ''ice seals'' are suspected to be abundant and broadly distributed across the Arctic based on surveys that include at least a portion of the stock's range. Available information about human-related mortality of these stocks indicates that direct mortality is not likely to negatively affect these stocks in the foreseeable future. Conducting surveys of these stocks is very expensive and likely to be a low priority because there are no immediate conservation concerns. NMFS is currently exploring options for collecting information on stock abundance of these animals using remote sensing.

Ribbon seal: ribbon seals are distributed far offshore in the ice pack during the winter and spring; thus, traditional aerial surveys with a land-based aircraft are unable to census a representative portion of this stock's range. Alternative survey techniques, such as remote sensing or conducting surveys from helicopters based on ice breakers, will have to be explored. Because of these logistic and technological challenges, NMFS does not expect to be able to develop a minimum population estimate for this stock in the near future.

Pacific white-sided dolphin and Dall's porpoise: the most recent abundance estimates for these stocks were based on data collected during 1987–1990 during a vessel survey designed to collect information on cetaceans in offshore waters. At this time, there are no current plans to conduct a similar vessel survey, so new estimates of total abundance should not be expected within the next few years. NMFS will be investigating whether estimates and relative distribution of these stocks in coastal

waters might be obtained from a variety of aerial and vessel line-transect surveys conducted in Alaska over the past 10 years.

Humpback whales: humpback whale population size is estimated either by applying mark-recapture techniques to photo-identification data (estimate published in 1997) or by vessel line transect surveys (most recently conducted in 1999). NMFS has supported the collection of one or both types of data annually for many years, and substantial amounts of new information has been collected since the last population estimate was made. NMFS plans to support the analysis of these new data and be able to include a new population estimate in the draft SARs for 2002.

Bowhead whales: Congress provides funding to the North Slope Borough each year to support the collection of information on bowhead whale biology, abundance, and population dynamics. The North Slope Borough completed a census of the population during the spring of 2001. A new abundance estimate based on this census will be included in the draft SARs for 2002.

North Pacific right whales: North Pacific right whales have only recently been documented to be seasonally present in a limited area in the Bering Sea. Both vessel and aerial surveys for this stock have occurred annually since 1996, and additional surveys are planned for 2002. Because NMFS' research on this stock has only recently begun, it will likely be several more years before sufficient information is available to provide a reliable population estimate. In addition, the discreteness of the population in the western North Pacific (e.g., Sea of Okhotsk) and eastern North Pacific remains to be determined.

Fin whales: new information on the abundance of fin whales in a portion of their range has been collected during the past 3–4 years, and additional information will be forthcoming as a result of vessels surveys in the Gulf of Alaska and Bering Sea. However, an abundance estimate of their entire range would require a dedicated vessel survey in the North Pacific. At this time, this type of survey is not being planned. However, the surveys conducted and planned for a portion of their range should be sufficient to calculate a minimum population estimate for a portion of the stock's range within a few years.

Minke whales, sperm whales, and beaked whales: these stocks are broadly distributed over the North Pacific. Ideally, population estimates for these stocks would be based on sightings from dedicated vessel surveys. At this time, this type of survey is not being planned.

Comment 17: One commenter requested that NMFS should improve the estimates of fisheries and subsistence takes. NMFS should aggressively pursue developing and implementing an observer program for those fisheries that have had documented marine mammal takes.

Response: Estimates of incidental mortality of marine mammals from commercial fisheries that are observed are quite good, including the Bering Sea and Gulf of Alaska groundfish trawl and longline fisheries, and the crab pot fisheries. NMFS currently only has funding available to observe one Alaska fishery for marine mammal interactions each year (not including fisheries that are observed for fishery management reasons). Because previous observer programs for the Prince William Sound salmon drift gillnet fishery and self-reported information documented some mortality of marine mammals incidental to salmon gillnet operations in the 1990s, NMFS is rotating an observer program among various gillnet fisheries.

The Cook Inlet set and drift gillnet fisheries were observed in 1999 and 2000. During the two years of the program, no mortalities of any marine mammals were observed, although one serious injury of a harbor porpoise was observed. In 2001, NMFS began working to implement an observer program in the salmon gillnet fisheries around Kodiak Island. That observer program will be fully implemented for the 2002 fishing season. NMFS continues developing the program to rotate among other fisheries in the future.

Reliable subsistence harvest information is available for some species, such as bowhead whales, beluga whales, and fur seals. Subsistence harvest information for harbor seals and Steller sea lions was collected annually by the Alaska Department of Fish and Game Division of Subsistence for several years. There was a hiatus in data collection in the late 1990's because of a lack of funding. A grant was provided to the Alaska Steller Sea Lion and Sea Otter Commission (ASSLOC) for the collection of information on the Steller sea lion subsistence harvest. NMFS will include information on the subsistence harvest provided by the ASSLOC in the draft SAR for 2003. NMFS will continue to work with the Alaskan Native community to collect information on the subsistence use of other species as resources allow.

Comment 18: One commenter stated that it is important to obtain reliable and recent information on the level of mortality that results from native hunting. Another commenter recommended that NMFS continue to pursue co-management agreements with the Alaskan native community that would result in the effective monitoring, reporting, and control of subsistence takes.

Response: NMFS uses the best data available on the level of mortality of marine mammals that results from Alaska Native subsistence harvest. The amount of data available on subsistence harvests varies widely by species. For example, data on harbor seal and Steller sea lion subsistence harvest has been collected by the Alaska Department of Fish and Game nearly annually at all villages that hunt these species at least since 1996. Collection of data on ice seal subsistence harvest by the Alaska Department of Fish and Game has occurred less frequently, and are only available for some villages during some years. Preliminary information on ice seal harvest levels were presented to the Alaska SRG in 2001, but the data were too preliminary to include in the 2001 SARs. This information will be included in the draft 2002 SARs.

NMFS has aggressively pursued co-management agreements for stocks such as Cook Inlet beluga whales and the three Alaska harbor seal stocks because of known declines in all or a portion of the stock's respective ranges. NMFS will pursue other co-management agreements as resources allow.

Comment 19: One commenter requested that the SAR for the eastern stock of Steller sea lions should include data on take in the Canadian fisheries and in the Canadian subsistence harvest.

Response: The draft SAR for 2001 indicates that an average of about 41 Steller sea lions per year are intentionally killed in the British Columbia aquaculture predator control program. NMFS is not aware of any additional intentional or incidental mortalities of Steller sea lions in Canadian fisheries, although NMFS formally requested such information from the Department of Fisheries and Oceans Canada. Additional information on mortalities in Canadian waters will be included in the SARs when it becomes available.

Comment 20: One commenter stated that the magnitude of intentional killing, disturbance, and illegal fishing on the high seas on the eastern Pacific stock of northern fur seals is unknown. Stranding data and other information should be collected to develop a better understanding of this situation and its effect on the population.

Response: Stranding data are already collected and reported routinely in the SARs for northern fur seals and for all other marine mammal stocks in Alaska.

Comment 21: One commenter stated that NMFS should evaluate the current divisions between the Alaska harbor seal stocks and redefine these stocks in accordance with new harbor seal genetic information. In addition, new abundance estimates should be incorporated into the SARs.

Response: NMFS now has sufficient information on the genetics of harbor seals in Alaska to be confident that the current boundaries between the stocks are incorrect. However, sufficient information is not yet available to identify new stock boundaries. NMFS, in cooperation with the Alaskan Native community, is working to identify the new stock boundaries and provide new abundance estimates for all Alaska harbor seal stocks in the draft SARs for 2003.

Comment 22: One commenter stated that NMFS should work with Alaskan Natives to finalize the co-management agreement for Cook Inlet beluga whales and to ensure that the subsistence harvest level is below the PBR level.

Response: Co-management agreements for Cook Inlet beluga whales were signed in 2000 and 2001. NMFS is working with Alaskan natives on a long-term agreement to co-manage the harvest.

Comment 23: One commenter stated that NMFS should continue to improve observer coverage of the Cook Inlet purse seine and gillnet fisheries, increase compliance for self reporting, and monitor the subsistence harvest to improve the estimates of mortality from these sources.

Response: See response to comments 1 and 17 regarding observer coverage. There is no evidence at this time that monitoring of the subsistence harvest of beluga whales in Cook Inlet needs to be improved. See response to comment 10 regarding improvements to compliance with self-reporting.

Comment 24: One commenter stated that NMFS should revise the SAR for Dall's porpoise and divide it into at least two stocks based on genetics data indicating delineation between animals in the Bering Sea and the Gulf of Alaska and based on the phylogeographic criteria outlined in Dizon et al (1992).

Response: NMFS will provide a revised SAR for Dall's porpoise in the draft SARs for 2003 and will consider this recommendation at that time.

Comment 25: One commenter stated that NMFS should intensify efforts to assess the magnitude of harbor porpoise mortality in Alaskan gillnet fisheries. The mortality estimates reported in the SARs are minimum estimates and the actual mortality level could be approaching the PBR level.

Response: See response to comments 1 and 17 regarding the rotation of marine mammal observer programs in Alaskan commercial fisheries.

Comment 26: One commenter stated that the PBR level for North Pacific right whales should be set at zero as it is likely the most endangered population of large whales in the world.

Response: Despite having insufficient information to estimate the abundance of this stock, NMFS is confident that the stock size is quite small. The PBR level will remain ''undetermined'' in the 2001 SARs, but NMFS will propose to change the PBR level to zero in the draft SARs for 2002.

Comment 27: One commenter requested that estimates of the subsistence harvest of bowhead whales since 1996 be included in the SAR.

Response: Estimates of the subsistence harvest for 1995–1999 were included in the draft SAR for 2001 in the section entitled ''Subsistence/Native Harvest Information''.

Comment 28: One commenter noted that several of the SARs contain the phrase ''It is not possible to produce a reliable estimate of abundance for this stock, as a current estimate of abundance is not available.'' This is redundant and should be corrected.

Response: NMFS agrees and will change the text in the SARs as are they are reviewed and revised.

Comment 29: One commenter stated that the western U.S. stock of Steller sea lions continues to decline in abundance. Because of this, the recovery factor should be set to zero, as is done with other stocks which are declining in abundance (e.g. North Atlantic right whales). Furthermore, NMFS uses a default of 0.5 for the maximum rate of reproduction. This stock is declining, and so its rate of reproduction would appear to be a negative number.

Response: The recovery factor for the western stock of Steller sea lions has been set to 0.1 as recommended by the Alaska SRG in 1998. This is the lowest value for a recovery factor allowed under the MMPA. The recovery factor for North Atlantic right whales is also 0.1.

The PBR level for North Atlantic right whales was set at zero because the stock is very small in size (<300 animals) and the reproductive rate is naturally very low. Despite the decline of the western stock of Steller sea lions, the population includes over 30,000 animals and has a reproductive rate that is substantially higher than that for right whales. The likelihood of extinction of the western stock of Steller sea lions is considerably lower than the likelihood of extinction of North Atlantic right whales. Thus, NMFS does not set the PBR level for the western stock of Steller sea lions to zero.

Comment 30: One commenter stated that the high level of Alaskan Native subsistence harvest of Steller sea lions should be immediately addressed.

Response: See the response to comment 17 regarding the availability of information on the subsistence harvest of Steller sea lions. NMFS continues to work with the Alaskan Native community to determine what, if anything, should be done to manage the level of subsistence take of Steller sea lions.

Comment 31: One commenter noted that the SAR for spotted seals indicates that no estimates of mortality in the subsistence harvest are available after 1995. This should be remedied immediately, particularly since the stock assessment states that the reported estimate underestimates the statewide total.

Response: A source of information on subsistence harvest of ice seals has been located and revised estimates will be provided in the draft SARs for 2002.

Comment 32: One commenter noted that native hunting of beluga whales in the eastern Bering Sea stock through 1997 is reported to average 121 whales per year. This harvest level is very close to the PBR level for this stock, and the level in some years has exceeded the PBR. This situation requires immediate management attention.

Response: NMFS realizes that the average harvest level is near the PBR level and that the annual level of subsistence harvest has occasionally been above the PBR level. Although it is not appropriate for NMFS to manage subsistence harvest based solely on comparisons between the subsistence harvest level and the PBR level, NMFS has worked closely with the Alaska Beluga Whale Commission to insure that animal removals are sustainable as required by the by-laws of the Alaska Beluga Whale Commission.

Comment 33: One commenter noted that the SAR for gray whales makes no mention of the elevated number of strandings of gray whales that occurred in 1999 and 2000. This phenomenon should be discussed.

Response: NMFS did not revise the SAR for gray whales in 2001. The elevated number of strandings will be discussed in the draft SAR for 2002.

Comment 34: One commenter commended NMFS for including new information in the draft SAR for the western North Pacific humpback whale

that indicates humpback whale meat is being sold in Japanese markets. Unless there is sufficient information to indicate that the whale meat is from animals solely in this stock, statements regarding the sale of meat should also be added to the SAR for the central North Pacific stock of humpback whales.

Response: NMFS will review the available information and, if appropriate, add the statements regarding the sale of meat to the SAR for the central North Pacific stock of humpback whales.

Comment 35: One commenter stated that it is likely that the numbers of entanglements and ship strikes incurred by the central North Pacific stock of humpback whales is higher than reported in the draft SAR because the animals are primarily in populated areas and much of coastal Alaska is sparsely populated.

Response: All available information about the actual level of entanglements and ship strikes of humpback whales is provided in the SAR. Additional information will be incorporated in the SAR as it becomes available.

Comment 36: The stock assessment report for the Eastern North Pacific, Northern Resident Stock of Killer whales states that this stock, or portions of it, ''where apparently approaching carrying capacity since the rates of increase appeared to be slowing.'' The commenter recommends that the statement about carrying capacity be deleted from the SAR because there are a number of reasons for rates of increase slowing.

Response: This conclusion cited in the SAR was reported in a workshop report (Dahlheim et al., 2000). As this is one reasonable hypothesis for a decline in the population growth rate, the statement will remain in the SAR. However, the commenter is correct that there may be other hypotheses for the decline in the population growth rate, and NMFS revised the SAR to clarify that point.

Atlantic Regional SARs

Comment 37: One commenter noted that Sei whales have not been surveyed for almost 20 years and the estimate in the SAR probably does not reflect current abundance. New surveys should be conducted to estimate abundance for this stock.

Response: NMFS agrees. However, funding for such surveys is currently unavailable.

Comment 38: One commenter stated that the PBR level for blue whales should be set to zero given that the abundance estimate is more than 10 years old. New surveys should be conducted.

Response: NMFS guidelines state that if abundance estimates are more than eight years old or are unavailable, then the PBR level is considered to be unknown, but not zero (Wade and Angliss 1997). The text of the SAR has been amended to reflect this. However, it is important to note that blue whales are very rarely found in US Atlantic waters, and, therefore, the PBR issue is of limited importance because no U.S. fisheries are involved in the incidental mortality or serious injury of blue whales.

Funding for blue whale abundance surveys is currently unavailable. Furthermore, obtaining useful survey results for blue whales would be difficult given that little is known about population structure. The southernmost limit of this stock's range is the Scotian Shelf in Canadian (not U.S.) waters, and it is not clear how the animals found on the Scotian Shelf relate to animals in other areas. NMFS plans to conduct a survey of the entire Scotian Shelf in the summer of 2002 to follow up on recommendations made by the recent International Whaling Commission Comprehensive Assessment of North Atlantic Humpback Whales and the need to further define the humpback population on the Scotian Shelf. Blue whale surveys would be a secondary part of this effort, but are unlikely to yield enough information to resolve either abundance or population structure issues for this stock of blue whales.

Comment 39: One commenter recommended that NMFS include Canadian fishery-related mortality in the total annual estimated average fishery-related mortality for the Canadian East Coast stock of minke whales.

Response: NMFS will investigate if sources of information about Canadian mortalities other than those already reported in the SAR are available for including in future SARs.

Comment 40: One commenter recommended that NMFS continue to improve population abundance and bycatch mortality estimates for beaked whales and study the impacts of acoustic pollution on these and other marine mammals.

Response: NMFS has designated beaked whales as high priority species to sample (e.g., photographs, tissues, body measurements) in the fishery observer sampling manual, to obtain biological and human interaction data on stranded beaked whales, and to photograph and collect biopsy samples of during abundance surveys. Collected tissue samples are analyzed for genetic studies. Genetic and photographic data have been used to confirm or correct initial species identification of bycatches, abundance survey sightings, and strandings.

NMFS is coordinating with other agencies and researchers to answer the most critical questions related to the impacts of acoustics on marine mammals. NMFS is currently working with the Navy to resolve the effects of noise on marine mammal hearing and behavior.

Comment 41: One commenter recommended that NMFS continue to improve population abundance and bycatch mortality estimates for long-finned pilot whale and short-finned pilot whales.

Response: Assessing pilot whale fishery bycatch, strandings, and obtaining photographs and biopsy samples during abundance surveys are high priorities for NMFS. Because at-sea identification of pilot whales is difficult, fishery observers are requested to assign undifferentiated species identification to bycaught animals that are not photographed or sampled. Genetic and photographic data have been and will continue to be used to confirm or correct initial species identification of bycatches, abundance survey sightings, and strandings.

Comment 42: One commenter recommended that NMFS continue to pursue spotted dolphin stock identification studies, and species identification of the bycatch of common dolphin, Atlantic spotted dolphin, Pantropical spotted dolphin, and Striped dolphin.

Response: Sampling spotted dolphins is a high priority. Tissue samples obtained from bycatches, research vessel, and stranding events are processed and analyzed by NMFS. Genetic and photographic data have been used to confirm or correct initial species identification of bycatches, abundance survey sightings, and strandings.

Comment 43: One commenter stated that the stock assessments for harbor seals, gray seals, and harp seals are inadequate because they lack reliable population abundance data.

Response: NMFS has taken and is taking the following steps to improve population abundance data and stock assessments for these species. In the spring of 2001, NMFS and the University of Maine conducted harbor seal studies (radio tagging and replicate aerial surveys) designed to obtain a more precise estimate of harbor seal abundance. Also, all haulout sites containing gray seals were surveyed and

photographed. Survey data are being analyzed and will be submitted to the SRG in mid–2002 for review.

From the autumn of 2001 to the spring of 2002, NMFS will be monitoring harbor seal and gray seal seasonal abundance in southern New England. Also, NMFS is collecting harbor seal and gray seal tissue samples for stock studies. An unknown, and perhaps significant, fraction of the gray seals seasonally residing in U.S. waters are migrants from Canada.

Harp seal population estimates are obtained from Canadian Department of Fisheries and Oceans (DFO) scientific reports. DFO scientists employ results of pup surveys (e.g., pup production) in models to estimate total abundance and population trends. Recently, survey design, modeling techniques and data sets (e.g., shoot/lost statistics, fishery bycatch) have been critiqued by several international scientific panels. NMFS staff have participated in some of these reviews. Based on panel findings, population estimates and trends have been revised and incorporated into the SARs.

As noted, the western North Atlantic harp seal population is centered in eastern Canada. Harp seals are highly migratory, and seasonally a small number of juveniles disperse southward into U.S. waters. Although bycatch occurs in U.S. fisheries, there is not a sound methodology for assessing seals at sea.

Comment 44: One commenter stated that there should be updated literature citations for right whales through 2000.

Response: It is not clear to what literature the commenter is referring. Many of the right whale papers produced in 1999 and 2000 are due to be published in the International Whaling Commission Special Issue volume on right whales, to appear in the fall of 2001. This new information will be incorporated into the 2002 SAR as appropriate.

Comment 45: One commenter stated that the PBR level for humpback whales has been exceeded if it is assumed that all mid-Atlantic mortalities are from the Gulf of Maine stock.

Response: The commenter is correct. However, NMFS does not know whether the mid-Atlantic mortalities occurred to the Gulf of Maine stock. A NMFS-sponsored study (Barco *et al.* 2001) determined that humpback whales observed in the mid-Atlantic are not all from the Gulf of Maine stock. A survey is planned for the spring of 2002 that will collect biopsies and photographs of humpback whales to better evaluate whether the Gulf of Maine stock is occurring in the mid-Atlantic and therefore could be subjected to the fishery-related mortality that has occurred in that area.

Comment 46: One commenter noted that a humpback whale named Zenith was struck by a whale-watching vessel in 1998 and has not been seen since (except for 3 weeks after the incident). It should be reported as a serious injury.

Response: NMFS is reviewing this case. Any change in the determination will be incorporated into the SAR.

Comment 47: One commenter noted that the sei whale recovery plan is cited as ''in effect in early 2000'', yet it is now well beyond that date, and the plan is still not in place.

Response: The commenter is correct. The plan has not yet been released due to legal issues. The SAR text has been amended accordingly.

Comment 48: One commenter stated that NMFS should not imply that the reduction in harbor porpoise bycatch is a consequence of the take reduction plan.

Response: The text was modified so as not to attribute the reduction to any particular action, but to a combination of the marine mammal and fish management plans that were put into place.

Comment 49: One commenter stated that it is inappropriate to lump Cuvier's beaked whale and Mesoplodon complex whales and manage them as a single stock.

Response: NMFS supports the goal of providing species specific abundance estimates. Observers participating in abundance surveys are instructed to collect descriptive, behavioral, and photographic data, as feasible, for each beaked whale sighting. Attempts to collect at-sea biopsy samples will continue. The current assessment contains revised mortality estimates by species for some years.

Comment 50: One commenter recommended that the section on human-induced mortality of harbor seals be revised to include all non-fishery related mortality.

Response: The estimate of the total human-caused mortality will be corrected to include non-fishery mortality contained in the draft 2001 assessment. Although, shooting of harbor seals at Maine salmon aquaculture sites has been suggested, NMFS' documentation to confirm and quantify mortality is not available. NMFS is aware of the University of Maine seal/salmon interaction project. If University of Maine researchers provide data on the number of seals shot around salmon pens, these data will be included in future SARs. NMFS staff have made inquiries to the DFO regarding statistics on the number of harbor seals shot at aquaculture sites. However, to date NMFS has not received any official information. NMFS agrees that all sources of human induced mortality or serious injury should be included in the SARs. However, it is not appropriate to include anecdotal data in the summary chart.

Comment 51: One commenter recommended that the section on human induced mortality of gray seals be revised to include all non-fishery related mortality.

Response: NMFS agrees that all directed and incidental mortality for the stock should be included in the SAR, and the statistics for the total human-caused mortality will be corrected to include non-fishery mortality. If current statistics on human-induced mortality in Canadian waters are available, they will also be included in the SAR.

Comment 52: One commenter recommended that the section on human-induced mortality of harp seals be revised to include all non-fishery related mortality. Also, the commenter noted pertinent references that should be cited and considered in the assessment.

Response: The statistics for the total human-caused mortality will be corrected to include non-fishery mortality. The statistics on the Canadian hunt and fishery bycatch are updated if data are available when the draft SAR is produced. New and significant reports were reviewed and incorporated into the final report.

Comment 53: One commenter recommended that the western North Atlantic coastal bottlenose dolphin stock assessment include a sentence indicating that this is a strategic stock, not only because it is listed as depleted under the MMPA, but also because fishery-related mortality and serious injury exceeds the PBR.

Response: The clarification will be added to the SAR.

Comment 54: One commenter recommended revising abundance estimates for the coastal stock of bottlenose dolphins.

Response: The SAR for the North Atlantic coastal stock of bottlenose dolphins is in the process of being revised for the draft 2002 SARs, including information on all recent mortality estimates.

Comment 55: One commenter stated that additional data on the stock structure of coastal and offshore western North Atlantic bottlenose dolphin stocks is needed.

Response: NMFS agrees. Research efforts will continue to focus on

answering questions related to stock structure, abundance, and fishery-related mortality of Atlantic coastal bottlenose dolphins.

Comment 56: Two commenters noted that stock assessment for the bottlenose dolphins in the Gulf of Mexico bays, sounds and estuaries have not been updated. One of the commenters suggested NMFS continue to work with stranding networks to recognize signs of fishery interactions on stranded animals.

Response: There are no new data available to make significant changes in these stock assessments. Work will continue on training stranding network volunteers to recognize and report fishery-related strandings.

Comment 57: One commenter noted that more recent abundance estimates are needed for the Northern Gulf of Mexico dwarf and pygmy sperm whales.

Response: NMFS is aware that the abundance estimates for pygmy and dwarf sperm whales, as well as other cetaceans, in the Gulf of Mexico are old and that it would be helpful to obtain new estimates.

Comment 58: One commenter urged re-examination of the stranding data and inclusion of fishery mortality estimates for strandings which may be fishery related, as it pertains to dwarf and pygmy sperm whales in the Northern Gulf of Mexico.

Response: A review of stranding data showed no *Kogia* spp. strandings in the Gulf of Mexico with confirmed human interactions, including fishery interactions, from 1997 through 2000.

Comment 59: One commenter recommended including assessments of stocks under the jurisdiction of the FWS in the final stock assessments, as was proposed by the Alaska region.

Response: NMFS has contacted the FWS requesting information on the West Indian manatee for inclusion in the 2001 SAR. FWS responded in early November that a draft revised stock assessment for that stock of manatee should be available for SRG review in the winter of 2002. This information will be included in the 2002 SAR.

Pacific Regional SARs

Comment 60: Two commenters noted that updated estimates of abundance are needed for many U.S. west coast stocks, and that stocks from the Hawaiian Islands region suffer from a paucity of data.

Response: NMFS has taken and is taking the following steps to update cetacean abundance for waters around the Hawaiian Islands. Plans for a comprehensive ship survey of cetaceans in these waters have been delayed due to ship-time requirements of other Congressionally mandated research. A cetacean survey of the Hawaiian Exclusive Economic Zone is planned for summer/autumn 2002. In the interim, NMFS has collaborated with Hawaiian researchers in the analysis of near-shore cetacean aerial surveys and is funding a small cetacean research project in the mid-island area. A line-transect survey of the U.S. west coast out to 300 nautical miles was conducted from July-December of 2001 and updated estimates of abundance for those stocks will be updated after completion of the cruise and analysis of the data.

Comment 61: One commenter requested more specific information on the depth distribution and distance from shore of California coastal bottlenose dolphins with an emphasis on whether or not coastal gillnet fisheries may still interact with this stock.

Response: Behavioral studies on southern California coastal bottlenose dolphins have shown that animals spend 90% of the time within 250 meters of the shoreline and 99% of their time within 500 meters. Gillnet fishing within 3 nautical miles of shore has been banned in southern California since 1994 and set gillnet fishing inshore of 60 fathoms from Point Reyes to Point Arguello was eliminated in 2001 by the California Department of Fish and Game. Clarification of these facts has been added to the 2001 SAR.

Comment 62: One commenter noted that the southern resident stock of killer whales has been listed as ''threatened'' in Canada, yet this is not mentioned in the Status of the Stock section of the SAR.

Response: The draft 2001 stock assessment included the following statement in the ''Status of Stock'' section: ''In April 1999, Canada's Committee on the Status of Endangered Wildlife in Canada (COSEWIC) listed resident killer whales in British Columbia as ''threatened,'' i.e., likely to become ''endangered'' if limiting factors are not reversed (Baird 1999). In June 2000, the Washington Department of Fish and Wildlife designated killer whales in Washington State as a ''state candidate species'' (a species that the Department will review for possible listing as ''state endangered, threatened, or sensitive'').''

Comment 63: One commenter stated that the discussion of the status of the southern resident stock of killer whales should be updated to reflect the continued population decline and the petition to list the stock under the ESA.

Response: NMFS agrees and will update information on the status of this stock in the draft 2002 stock assessment and add the following text to the ''Status of Stock'' section in the final 2001 stock assessment: ''On 2 May 2001, NMFS received a petition from the Center for Biological Diversity and 10 co-petitioners (an 11th co-petitioner was added on 16 July 2001) to list the Eastern North Pacific Southern Resident stock of killer whales as an endangered or threatened species under the ESA and to designate critical habitat for this stock under that act. On 13 August 2001 (66 FR 42499), NMFS determined that the petition presented substantial scientific information indicating that a listing may be warranted; thus, NMFS is required to conduct an ESA status review of the stock and issue a report on its findings by 2 May 2002. NMFS established a Biological Review Team for this purpose in late August 2001.''

Comment 64: Two commenters recommended that the PBR level for Hawaiian monk seals remain at zero.

Response: The concern over an apparent change of the PBR level from zero to five Hawaiian monk seals is based on a misunderstanding of a sentence NMFS deleted from the draft SAR: ''However, the Endangered Species Act takes precedence in management of this species and, under the Act, allowable take is 0.'' It was because of the confusion between the PBR level and the concept of allowable take under the ESA that this sentence was deleted. The PBR level is a legal term, which by itself does not authorize any take, but is instead the maximum number of marine mammals that may be removed from a stock while allowing that stock to reach its optimum sustainable population. The PBR level is determined from the formula in section 3(20) of the MMPA (16 U.S.C. 1362(20)). Based upon this formula, the PBR level for Hawaiian monk seals has been calculated for this year, as for the last two years, at 5. The deleted sentence did not state that the PBR level had become zero, but rather emphasized that the PBR itself does not authorize take of Hawaiian monk seals.

As noted above, the PBR level is generated from an MMPA process, and it thus remains reported as such in the SAR. However, new revisions to the PBR section of the SAR discuss the concerns regarding the current lack of growth in the population.

Comment 65: One commenter noted that the section on the fishery mortality in the Hawaiian monk seal SAR discusses the fact that persons with State permits are not required to submit data on protected species bycatch. This is a Federal requirement, and NMFS should work with the state to remedy discrepancies.

Response: Serious injury and mortality forms will be sent to the fishery permit holders, and by law, participants in the fishery are required to report serious injury/mortalities within 48 hours of return.

Comment 66: One commenter noted that in the SAR for Hawaiian monk seals there is a statement that fishery interactions with the species ''remain to be thoroughly evaluated...'' However, the stock assessment cites a 1993 paper by Nitta and Henderson that found one ''event'' per 34.4 hours of fishing. This sort of study should be repeated with a better attempt to obtain confidence intervals. A brief discussion of efforts that are underway would help in understanding whether these impacts are being assessed and/or addressed. The commenter requested an evaluation of fishery impacts.

Response: With regard to the bottomfish fishery, NMFS is discussing and planning for increased observer coverage. Also, new data forms for observers are being developed to collect more information on protected species. However, the type and degree of observer coverage needed in the bottomfish fishery has yet to be determined.

Comment 67: One commenter recommended that the SAR for Hawaiian monk seals include discussion of some of the research alluded to in previous stock assessments including scat analysis and at-sea tracking. This research had been recommended since at least 1995.

Response: An extensive study of at-sea movements of monk seals was funded and resumed in 2000. Because this SAR only covers information through 1999, this information is not included. A description of the study will appear in the 2002 SAR. No new reports or data summaries are available at this time.

Comment 68: One commenter noted that, although it appears that 246 Hawaiian monk seals have been entangled since 1982, there is little discussion as to when many of these entanglements were observed and no speculation on average annual serious injury and mortality. It is also not clear from the text whether this number is separate from or inclusive of later discussion of monk seals hooked in the pelagic longline fishery and recreational fisheries.

Response: The SAR does not state that 246 seal entanglements in marine debris have occurred. Rather, the report notes that there have been 197 entanglements observed, plus 6 deaths attributed to entanglement in debris. A parenthetical phrase indicating that the three longline hookings are included in the total count of hookings has been added. A reference to a newly published paper has also been added to the revised report, which summarizes the data on entanglement in detail.

Dated: March 4, 2002.

David Cottingham,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 02–5617 Filed 3–7–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022002B]

Caribbean Fishery Management Council; Public Meetings

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

ACTION: Notice of Public Meetings.

SUMMARY: The Caribbean Fishery Management Council's Scientific and Statistical Committee (SSC), Habitat Advisory Panel (HAP), and Advisory Panel (AP) will hold meetings.

DATES: The SSC meeting will be held on March 19, 2002, the HAP meeting will be held on March 20, 2002, and the AP meeting will be held on March 21, 2002. All meetings will be from 10 to 4 p.m.

ADDRESSES: All meetings will be held at the Embassy Suites Hotel, Isla Verde Avenue, Isla Verde, Carolina, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 268 Munoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico 00918–2577, telephone (787) 766–5926.

SUPPLEMENTARY INFORMATION: The SSC, HAP and AP will meet to discuss the items contained in the following agendas:

March 19, 2002—SSC
Call to Order
Adoption of agenda
Queen Conch
  Recovery Plan
Habitat
  EFH Final Guidelines
  MRAG America's Inc. Outline and Discussion of Issues on Essential Fish Habitat (EFH)
  Coral Reef Conservation
Opportunities for Grant Proposals
Other Business

March 20, 2002—HAP
Call to order
Adoption of agenda of Issues on EFH
  Procedure for HAP Comments on Proposed Projects
  Fishing Gear Impact on EFH
  Coral Reef Conservation
Opportunities for Grant Proposals
Other Business

March 21, 2002
Call to order
Adoption of agenda
  Education/Orientation
  Comments
Other Business

The meetings are open to the public, and will be conducted in English. However, simultaneous interpretation (Spanish–English) will be available during the AP meeting (March 21, 2002). Fishers and other interested persons are invited to attend and participate with oral or written statements regarding agenda issues.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. For more information or request for sign language interpretation and other auxiliary aids, please contact Mr. Miguel A. Rolon, Executive Director, Caribbean Fishery Management Council, 268 Munoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico, 00918–2577, telephone (787) 766–5926, at least five days prior to the meeting date.

Dated: March 05, 2002.

Richard W. Surdi,

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

[FR Doc. 02–5623 Filed 3–7–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022602G]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meetings.

SUMMARY: The Open Access Permitting Subcommittee of the Pacific Fishery Management Council's (Council) Ad Hoc Groundfish Strategic Plan Implementation Oversight Committee will hold a telephone conference, which is open to the public.

DATES: The telephone conference will be held Tuesday, March 26, 2002 commencing at 10 a.m. and continuing until business for the day is complete.

ADDRESSES: Four listening stations will be available at the following locations:

1. NMFS Northwest Region, Director's Conference Room, 7600 Sand Point Way NE, Building 1, Seattle, WA 98115, Contact: Mr. Bill Robinson, (206) 526–6142;

2. Pacific Fishery Management Council, East Conference Room, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220–1384, Contact: Mr. Jim Seger, (503) 326–6352;

3. California Department of Fish and Game, Conference Room, Room 1320, 1416 Ninth Street, Sacramento, CA 95814, Contact: Mr. LB Boydstun, (916) 653–6281;

4. Washington Department of Fish and Wildlife, Natural Resource Building, Room 677, 1111 Washington Street SE, Olympia, WA 98501, Contact: (360) 902–2819.

FOR FURTHER INFORMATION CONTACT: Mr. Jim Seger, telephone: (503) 326–6352.

SUPPLEMENTARY INFORMATION: The purpose of the telephone conference is to review preliminary results from a descriptive analysis of the groundfish open access fleet.

Although nonemergency issues not contained in the meeting agenda may come before the subcommittee for discussion, those issues may not be the subject of formal subcommittee action during this meeting. Subcommittee action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the subcommittee's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 326–6352 at least 5 days prior to the meeting date.

Dated: March 4, 2002.

Richard W. Surdi,

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

[FR Doc. 02–5619 Filed 3–7–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022102C]

Marine Mammals; File No. 116–1662

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

ACTION: Receipt of application.

SUMMARY: Notice is hereby given that Sea World, Inc., 7007 Sea World Drive, Orlando, Florida 32821, has applied in due form for a permit to import one beluga whale (*Delphinapterus leucas*) for the purposes of public display.

DATES: Written or telefaxed comments must be received on or before April 8, 2002.

ADDRESSES: The application 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 (301/713–2289);

Regional Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, California 90802, (562/980–4021).

Written comments or requests for a public hearing on this request should be submitted to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular permit request would be appropriate.

Comments may also be submitted by facsimile at (301) 713–0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or other electronic media.

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore or Amy Sloan,(301/713–2289).

SUPPLEMENTARY INFORMATION: The subject permit is requested 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).

The applicant requests authorization to import one male, adult beluga whale (*Delphinapterus leucas*), identified as ''Imaq'', from the Vancouver Aquarium Marine Science Center; British Columbia, Canada to Sea World of California in San Diego, California. The applicant requests this import for the purpose of public display. The receiving facility, Sea World San Diego, 1720 South Shores Road, San Diego, California 92109 is: (1) open to the public on regularly scheduled basis with access that is not limited or restricted other than by charging for an admission fee; (2) offers an educational program based on professionally accepted standards of the AZA and the Alliance for Marine Mammal Parks and Aquariums; and (3) holds an Exhibitor's License, number 93–C–069, issued by the U.S. Department of Agriculture under the Animal Welfare Act.

In addition to determining whether the applicant meets the three public display criteria, NMFS must determine whether the applicant has demonstrated that the proposed activity is humane and does not represent any unnecessary risks to the health and welfare of marine mammals; that the proposed activity by itself or in combination with other activities, will not likely have a significant adverse impact on the species or stock; and that the applicant's expertise, facilities and resources are adequate to accomplish successfully the objectives and activities stated in the application.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: March 1, 2002.

Ann D. Terbush,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 02–5622 Filed 3–7–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Notice, Spectrum Management and Policy Summit

AGENCY: National Telecommunications and Information Administration, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: The National Telecommunications and Information Administration (NTIA) will host a two-day Spectrum Summit, on April 4–5, 2002, that will be open to the public. The purpose of the spectrum management and policy summit is to explore new ideas to develop and implement spectrum policy and management approaches that will make more efficient use of the spectrum; provide spectrum for new technologies; and improve the effectiveness of domestic and international spectrum management processes.

DATES: The Spectrum Summit will be held from 8:30 a.m–5:30 p.m. on Thursday, April 4, 2002, and from 8:30 a.m.–4:15 p.m on Friday, April 5, 2002.

ADDRESSES: The April 4th meeting will be held in the auditorium of the U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC. On Friday, April 5, 2002, meetings will take place at the Ronald Reagan International Trade Center, 1300 Pennsylvania Avenue, NW., Washington, DC, on the Concourse Level. Meetings on both days are open to the public. Seating is limited and is available on a first-come, first-served basis. For updated information and an agenda, please refer to NTIA's webpage at <*http:www.ntia.doc.gov*>. Directions to the Ronald Reagan International Trade Center and meeting room locations can also be accessed through the Trade Center's webpage at <*http:www.itcdc.com*>.

FOR FURTHER INFORMATION CONTACT: Derrick Owens, Office of Spectrum Management, NTIA, telephone (202) 482–1920, or electronic mail: <dowens@ntia.doc.gov>; or Joe Gattuso, Office of Policy Analysis and Development, NTIA, telephone: (202) 482–1880, or electronic mail <*jgattuso@ntia.doc.gov*>. Media inquiries should be directed to the Office of Public Affairs, NTIA, at (202) 482–7002.

SUPPLEMENTARY INFORMATION: NTIA serves as the principal adviser to the President on telecommunications policies as they pertain to the Nation's technological and economic advancement. NTIA is the primary Executive Branch agency responsible for developing and articulating domestic and international telecommunications policies. NTIA also manages use of the radio frequency spectrum by all federal agencies.

Radio spectrum is a key component for many government and private sector telecommunications and commercial services. Over the years, the demand for spectrum to be used for both governmental and commercial purposes has increased significantly. Key government organizations rely on radio spectrum to conduct national security, air traffic control, law enforcement, and other public safety efforts, among many other services. Spectrum use also supports the operations of the most competitive and technologically sophisticated industries in the United States. As such, effective spectrum policy and management is of great importance to the national economy. The increasing spectrum needs of the government and private sector has made the current spectrum management process more difficult, especially as the amount of available, unencumbered spectrum, becomes limited.

The Spectrum Summit, therefore, will focus on policies affecting the management of the Nation's airwaves, on new ideas and approaches to make more efficient use of spectrum, and on making the national and international spectrum processes more effective. NTIA will have the opportunity during the Spectrum Summit to initiate a dialogue with key industries and organizations that use spectrum, economists and analysts, technologists and futurists, and other interested parties. The four major areas of discussion throughout the two-day Spectrum Summit are: (1) Spectrum allocation and planning; (2) spectrum efficiency; (3) spectrum for new technologies; and (4) spectrum management regulatory processes.

Public Participation: These meetings will be open to the public and are physically accessible to people with disabilities. Any member of the public wishing to attend and requiring special services, such as sign language interpretation or other ancillary aid, should contact Derrick Owens or Joe Gattuso at least three (3) days prior to the meeting via the contact information provided above. All persons entering the Department of Commerce and the Ronald Reagan International Trade Center must go through the security screening. To facilitate entry into the Department of Commerce building, please have photo identification available and/or a U.S. Government building pass, if applicable.

Dated: March 5, 2002.

Kathy D. Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 02–5556 Filed 3–7–02; 8:45 am]

BILLING CODE 3510–60–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comments on Short Supply Request under the African Growth and Opportunity Act (AGOA)

March 5, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA)

ACTION: Request for public comments concerning a request for a determination that certain fabrics used for trousers, shorts, skirts, dresses, handkerchiefs, dressing gowns, boxer shorts, and other apparel, cannot be supplied by the domestic industry in commercial quantities in a timely manner.

SUMMARY: On February 28, 2002, the Chairman of CITA received a petition from Esquel Enterprises Limited of Hong Kong and Textile Industries Limited in Mauritius alleging that certain fabrics, listed below, for use in trousers, shorts, skirts, dresses, handkerchiefs, dressing gowns, boxer shorts, and other apparel, as listed below, cannot be supplied by the domestic industry in commercial quantities in a timely manner. It requests that such apparel articles of such fabrics be eligible for preferential treatment under the AGOA. CITA hereby solicits public comments on this request, in particular with regard to whether these fabrics can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be submitted by **March 25, 2002** to the Chairman, Committee for the Implementation of Textile Agreements, Room 3001, United States Department of Commerce, Washington, D.C. 20230.

EFFECTIVE DATE: March 8, 2002.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 112(b)(5)(B) of the AGOA, Section 1 of Executive Order No. 13191 of January 17, 2001.

Fabrics named in the request:
(a) Fabrics of subheadings 5208.21, 5208.22, 5208.29, 5208.31, 5208.32, 5208.39, 5208.41, 5208.42, 5208.49, 5208.51, 5208.52 or 5208.59, of average yarn number exceeding 135 metric;
(b) Fabrics of subheadings 5513.11 or 5513.21, not of square construction, containing more than 70 warp ends and filling picks per square centimeter, of average yarn number exceeding 135 metric;
(c) Fabrics of subheadings 5210.21 or 5210.31, not of square construction, containing more than 70 warp ends and filling picks per square centimeter, of average yarn number exceeding 135 metric;
(d) Fabrics of subheadings 5208.22 or 5208.32, not of square construction, containing more than 75 warp ends and fillings picks per square centimeter, of average yarn number exceeding 135 metric;
(e) Fabrics of subheadings 5407.81, 5407.82 or 5407.83, weighing less than 170 grams per square meter, having a dobby weave created by a dobby attachment, of average yarn number exceeding 135 metric;
(f) Fabrics of subheadings 5208.42 or 5208.49, not of square construction, containing more than 85 warp ends and filling picks per square centimeter, of average yarn number exceeding 85 metric, or exceeding 135 metric if the fabric is of oxford construction (a modified basket weave with a large filling yarn having no twist woven under and over two single, twisted warp yarns);
(g) Fabrics of subheading 5208.51, of square construction, containing more than 75 warp ends and filling picks per square centimeter, made with single yarns, of average yarn number 95 or greater metric;
(h) Fabrics of subheading 5208.41, of square construction, with a gingham pattern, containing more than 85 warp ends and filling picks per square centimeter, made with single yarns, of average yarn number 135 or greater metric, and characterized by a check effect produced by the variation in color of the yarns in the warp and filling;
(i) Fabrics of subheading 5208.41, with the warp colored with vegetable dyes, and the filling yarns white or colored with vegetable dyes, of average yarn number greater than 65 metric.

	Apparel articles named in the request:
Trousers	(subheadings 6203.19, 6203.22, 6204.12, 6204.22, 6204.52, 6204.62, 6211.32, 6211.42, 6217.90),
Shorts	(subheadings 6203.19, 6203.22, 6204.12, 6204.22, 6204.52, 6204.62, 6211.32, 6211.42, 6217.90),
Skirts	(subheadings 6204.12, 6204.22, 6204.52),
Dresses	(subheading 6204.42),
Handkerchiefs	(subheading 6213.20),
Dressing Gowns	(subheading 6208.91),
Boxer Shorts	(subheadings 6207.11, 6207.91, 6208.19, 6208.91), and
Other Apparel	(subheadings 6201.92, 6203.22, 6203.42, 6204.12, 6204.22, 6204.62, 6211.32, and 6211.42).

BACKGROUND:

The AGOA provides for quota- and duty-free treatment for qualifying textile and apparel products. Such treatment is generally limited to products manufactured from yarns or fabrics formed in the United States or a beneficiary country. The AGOA also provides for quota- and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries from fabric or yarn that is not formed in the United States or a beneficiary sub-Saharan African country, if it has been determined that such fabric or yarns cannot be supplied by the domestic industry in commercial quantities in a timely manner. In Executive Order No. 13191, the President delegated to CITA the authority to determine whether yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner under the AGOA and directed CITA to establish procedures to ensure appropriate public participation in any such determination. On March 6, 2001, CITA published procedures in the Federal Register that it will follow in considering requests. (66 FR 13502).

On February 28, 2002, the Chairman of CITA received a petition from Esquel Enterprises Limited of Hong Kong and Textile Industries Limited in Mauritius alleging that certain fabrics, listed above, for use in certain apparel articles, listed above, cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting quota- and duty-free treatment under the AGOA for such apparel articles that are cut and sewn in one or more beneficiary sub-Saharan African countries from such fabrics.

CITA is soliciting public comments regarding this request, particularly with respect to whether such fabrics can be supplied by the domestic industry in commercial quantities in a timely manner. Also relevant is whether other products that are supplied by the domestic industry in commercial quantities in a timely manner are substitutable for the fabrics for the purposes of the intended use. Comments must be received no later than **March 25, 2002**. Interested persons are invited to submit six copies of such comments or information to the Chairman, Committee for the Implementation of Textile Agreements, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, DC 20230.

If a comment alleges that such fabrics can be supplied by the domestic industry in commercial quantities in a timely manner, CITA will closely review any supporting documentation, such as a signed statement by a manufacturer of the yarn or fabric stating that it produces the fabrics that are the subject of the request, including the quantities that can be supplied and the time necessary to fill an order, as well as any relevant information regarding past production.

CITA will protect any business confidential information that is marked business confidential from disclosure for the full extent permitted by law. CITA will make available to the public non-confidential versions of the request and non-confidential versions of any public comments received with respect to a request in room 3100 in the Herbert Hoover Building, 14th and Constitution Avenue, N.W., Washington, DC 20230. Persons submitting comments on a request are encouraged to include a non-confidential version and a non-confidential summary.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.02–5698 Filed 3–6–02; 11:53 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Denial of Short Supply Request under the United States - Caribbean Basin Trade Partnership Act (CBTPA)

March 5, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Denial of the petition alleging that certain fabrics used in women's and girls' blouses cannot be supplied by the domestic industry in commercial quantities in a timely manner.

SUMMARY: On January 4, 2002 the Chairman of CITA received a petition

from School Apparel, Inc. alleging that certain fabrics, classified in subheadings 5210.21 and 5210.31 of the Harmonized Tariff Schedule of the United States (HTSUS) cannot be supplied by the domestic industry in commercial quantities in a timely manner. It requested that women's and girls' blouses of such fabric be eligible for preferential treatment under the CBTPA. Based on currently available information, CITA has determined that these subject fabrics can be supplied by the domestic industry in commercial quantities in a timely manner and therefore denies the petition.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 213(b)(2)(A)(v)(II) of the Caribbean Basin Economic Recovery Act, as added by Section 211(a) of the CBTPA; Section 6 of Executive Order No. 13191 of January 17, 2001.

BACKGROUND:

The CBTPA provides for quota- and duty-free treatment for qualifying textile and apparel products. Such treatment is generally limited to products manufactured from yarns or fabrics formed in the United States or a beneficiary country. The CBTPA also provides for quota- and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more CBTPA beneficiary countries from fabric or yarn that is not formed in the United States or a CBTPA beneficiary country, if it has been determined that such fabric or yarn cannot be supplied by the domestic industry in commercial quantities in a timely manner. In Executive Order No. 13191, the President delegated to CITA the authority to determine whether yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner under the CBTPA. On March 6, 2001, CITA published procedures that it will follow in considering requests. (66 FR 13502).

On January 4, 2002 the Chairman of CITA received a petition from School Apparel, Inc. alleging that certain fabrics, classified in subheadings 5210.21 and 5210.31 of the HTSUS, not of square construction, containing more than 70 warp ends and filling picks per square centimeter, of average yarn number exceeding 70 metric, cannot be supplied by the domestic industry in commercial quantities in a timely manner. It requested that women's and girls' blouses of such fabrics be eligible for preferential treatment under the CBTPA.

On January 10, 2002, CITA solicited public comments regarding this request (67 FR 1330) particularly with respect to whether these fabrics can be supplied by the domestic industry in commercial quantities in a timely manner. On January 29, 2002, CITA and the Office of the U.S. Trade Representative offered to hold consultations with the relevant Congressional committees. We also requested that advice of the U.S. International Trade Commission and the relevant Industry Sector Advisory Committees.

CITA has determined that certain fabrics, classified in sub-headings 5210.21 and 5210.31 of the HTSUS, not of square construction, containing more than 70 warp ends and filling picks per square centimeter, of average yarn number exceeding 70 metric, used in the production of women's and girls' blouses, can be supplied by the domestic industry in commercial quantities in a timely manner. On the basis of currently available information, including its review of the petition, public comments and advice received, and its understanding of the industry, CITA has found that there is domestic capacity to produce these fabrics. School Apparel's request is denied.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.02–5699 Filed 3–6–02; 11:53 am]

BILLING CODE 3510–DR–S

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Notice of Availability of Funds To Strengthen Communities and Organizations in Using Service and Volunteers To Support Homeland Security

AGENCY: Corporation for National and Community Service.

ACTION: Notice of funding availability.

SUMMARY: The Corporation for National and Community Service (hereinafter the ''Corporation'') announces the availability of fiscal year 2002 funds to eligible organizations for the purpose of strengthening community efforts in support of homeland security. The Corporation defines homeland security to include programs that support public safety, public health, and disaster preparedness and relief. Approximately $5 million is available for new grants under the AmeriCorps*State competitive and AmeriCorps*National programs, $5 million for new grants under Special Volunteer Programs, and $1.4 million to support Retired and Senior Volunteer Program (RSVP) volunteers.

Following the information that is common to all Corporation programs listed above, there is a specific section for each program funding opportunity.

DATES: Applications for all categories must arrive at the Corporation no later than 5:00 p.m., Eastern Daylight Time, on May 8, 2002. The Corporation will not accept applications that are submitted via facsimile. Due to delays in delivery of regular USPS mail to government offices, there is no guarantee that your application will arrive in time to be considered. We suggest that you use USPS priority mail or a commercial overnight delivery service.

We anticipate announcing selections under this notice no later than June 28, 2002.

ADDRESSES: Applications for AmeriCorps*State, AmeriCorps*National and Special Volunteer Programs must be submitted to the Corporation at the following address: Corporation for National and Community Service, Attn: Nancy Talbot, 1201 New York Avenue NW, Box H.S., Washington, DC 20525. Applications for Retired and Senior Volunteer Programs must be submitted to the same address, Attn: John Keller. This Notice is available in an alternative format for people with visual impairments.

FOR FURTHER INFORMATION CONTACT: For further information, contact one of the following: Nancy Talbot at 202–606–5000 x470 (*ntalbot@cns.gov*) for questions about Special Volunteer Programs; Peter Heinaru at 202–606–5000 x302 (*pheinaru@cns.gov*) for questions about AmeriCorps*State and National; and John Keller at 202–606–5000 x554 (*jkeller@cns.gov*) for questions about the Retired and Senior Volunteer Corps. The TDD number is 202–565–2799.

SUPPLEMENTARY INFORMATION:

Background

The Corporation is a Federal Government corporation that encourages Americans of all ages and backgrounds to engage in community-based service to meet the nation's educational, public safety, environmental and other human needs. In doing so, the Corporation fosters civic responsibility, strengthens the ties that bind us together as a people, and provides educational opportunity for

those who make a substantial commitment to service. This year, the Corporation will help support more than 1.5 million Americans who perform substantial service in communities across the country.

On November 8, President Bush announced that the Corporation will support homeland security in the coming year in three major areas: public safety; public health; and disaster mitigation and preparedness. The President said:

''Many ask, 'What can I do to help in our fight?' The answer is simple. All of us can become a September the 11th volunteer by making a commitment to service in our own communities. So you can serve your country by tutoring or mentoring a child, comforting the afflicted, housing those in need of shelter and a home.

''You can participate in your neighborhood watch or Crimestoppers. You can become a volunteer in a hospital, emergency medical, fire or rescue unit. You can support our troops in the field and, just as importantly, support their families here at home by becoming active in the USO or groups in communities near our military installations.

''We also will encourage service to country by creating new opportunities within the AmeriCorps and Senior Corps programs for public safety and public health efforts.''

In the State of the Union address, the President announced the USA Freedom Corps that will build on the great American ethic of service. The USA Freedom Corps will promote a culture of responsibility, service, and citizenship. It will work with key service agencies in government and the nonprofit sector to provide incentives and new opportunities to serve at home and abroad. The USA Freedom Corps will draw on help from Americans of all ages and of every background. The Corporation for National and Community Service and its programs—National Senior Service Corps, AmeriCorps, and Learn and Serve America—are part of the efforts under the USA Freedom Corps.

The Corporation's support for homeland security includes:

Public Safety

Public safety is one of the four primary service activities for AmeriCorps, Senior Corps, and Learn and Serve America. Thousands of volunteers serve with and for police departments, fire departments, rescue teams, emergency response agencies, and land management agencies. They are not armed, nor can they make arrests, but they carry out vital tasks including organizing neighborhood watch groups, community policing, victim assistance, fingerprinting and other tasks that free officers and other professionals to do front line work. In its first five years, AmeriCorps has organized 46,000 safety patrols, and in one year alone senior volunteers carried out 131,000 patrols that freed up 540,000 hours of police time.

Public Health

Currently, AmeriCorps members, Learn and Serve America participants, and Senior Corps volunteers fulfill a variety of public health roles including assisting in immunizing children and adults, serving as case managers, distributing health information, and providing health screenings. Last year alone, AmeriCorps members distributed health information materials to 500,000 people and provided health screenings to 181,000 individuals, while Senior Corps volunteers assisted in immunizing 270,000 children and adults. Learn and Serve America students, faculty, and teachers developed education materials on a broad range of health topics, served in clinics, and provided needed medical care in underserved areas.

Disaster Preparedness and Relief

AmeriCorps members, including the National Civilian Community Corps, and Senior Corps volunteers have a long track record of working with Federal Emergency Management Agency and other relief agencies in helping communities to respond to disasters. Learn and Serve America participants respond to local disasters as well. National and community service participants help run emergency shelters, assist law enforcement, provide food and shelter, manage donations, assess and repair damage, and help families and communities rebuild. Since September 11, many have been actively engaged in relief efforts.

Purpose of Grants

The grants made under this announcement are to assist communities in getting involved in the war against terrorism on the home front.

In the area of public safety, the grants will help provide AmeriCorps members, senior volunteers, students, and other community members to support police departments, fire departments and other local agencies such as rescue units and parks and recreation departments. These participants will free up local personnel to meet their front-line responsibilities by performing administrative tasks and other supportive functions that can be performed by non-sworn officers.

In the area of public health, AmeriCorps members, senior volunteers, students, and others will support public health agencies in outreach and information dissemination and administrative support.

In the area of disaster relief and preparedness, AmeriCorps members, senior volunteers, students, and others will perform a wide variety of activities that support immediate and long-term recovery efforts, as well as preparedness and mitigation. These individuals will run emergency shelters, help law enforcement, provide food and shelter, manage donations, assess and repair damage, and help families and communities rebuild. Members and volunteers may also support disaster preparation and mitigation activities.

Types of Activities

In general, activities must fall within the categories of public safety, public health, or disaster response and preparedness. To be responsive to this Notice the activities must relate to homeland security and to the current challenges that communities face. A grant may support programs that:

- Organize communities to identify and respond to crime and disorder problems through existing community organizations, law enforcement, schools, institutions of higher education, and the business community. Such programs may conduct needs assessments and identify resources to support improvements, such as the creation of Neighborhood Watch programs.
- Mobilize volunteers to assist police departments, fire departments, and other agencies involved in public security.
- Provide support for professional or volunteer fire departments, including a range of administrative duties, fire prevention and outreach, public education, and emergency response.
- Organize, conduct, and support community-based immunization programs related to public health concerns.
- Expand health services and support available through local public health clinics.
- Address public health concerns, particularly bio-terrorism, that provide resources to the community through door-to-door contact, school-based meetings, community meetings, and other means.
- Develop materials, identify resources, and educate the public through a variety of means to build awareness of and readiness for both natural disasters and intentional criminal/terrorist attacks.
- Provide immediate support to relief agencies responding to a disaster. Services may include relief of rescue workers, search and rescue, first aid,

coordination of emergency supplies, and establishment of communication links for relief workers.
- Support long-term recovery efforts associated with the impact of disasters.
- Support disaster preparedness or mitigation.
- Identify community assets to respond to disasters and identify improvements that are needed for effective response.
- Recruit community volunteers with specific expertise to support homeland security (e.g., retired individuals who worked during their career in the fields of public safety, public health, and emergency preparedness).
- Expand the capacity of nonprofit organizations and schools to support homeland security, such as the initiation of volunteer programs.
- Mobilize volunteers to support homeland security activities on a community-wide and/or statewide basis.

The above are examples only. Local communities will determine the best strategies for integrating service and volunteering into homeland security efforts. The Corporation expects all activities we support under this announcement to relate to or be part of the Citizen Corps that the Federal Emergency Management Agency is charged with bringing together in communities. If there is no Citizen Corps in an area where you propose program activities, the activities should be part of a community-wide or statewide strategy to strengthen homeland security.

We encourage programs to make use of volunteers from throughout the community, including students and senior volunteers, to design and implement programs. We expect that resources from a variety of sources will be employed and that multiple organizations will work together effectively. Because of statutory requirements, an entity seeking to sponsor more than one program (AmeriCorps, Special Volunteer Programs, RSVP) described in this Notice must submit separate applications, noting its proposed relationships between the programs.

The Corporation also encourages efforts that will have a lasting impact on strengthening homeland security in the communities being served. It may be advantageous, for example, to use a ''train the trainers'' model where a program trains teachers or first aid workers, who in turn use their new skills to educate children or community volunteers. Applicants should address in the application narrative plans for assuring the sustainability and long-lasting effects of activities supported with these grants.

For more information on the programs supported by the Corporation, see our Web site at *www.nationalservice.org.*

Eligible Applicants and Submissions

Eligible applicants are described below under each program category, Category A. AmeriCorps* State and AmeriCorps National programs, Category B. Special Volunteer Programs and Category C. Retired and Senior Volunteer Program. A single organization may submit the same application only once, and should specify the category for which it is applying. A single organization may submit different applications that propose entirely different activities to more than one category. Within a category, an organization may submit only one application. If an organization seeks to sponsor programs in more than one category, it should note the proposed relationship between the programs in each application.

Applicants that have never received funding from the Corporation are eligible and encouraged to apply for funding under this Notice. Applicants currently operating or applying for Corporation funding may apply for funding under this Notice. In doing so, the applicant must differentiate between the proposed objectives and activities and those of its currently-funded national service program or pending application.

Selection Criteria

In awarding these grants, the Corporation will consider: program design (60%); organizational capacity (25%); and budget/cost effectiveness (15%). The details of the selection criteria are contained in each application package. The Corporation anticipates that the final awardees in the aggregate will represent a mix of homeland security activities in the areas of public safety, public health, and disaster preparedness and relief. In evaluating proposals, the Corporation will use its discretion to achieve such a mix. The Corporation will make all final decisions concerning awards and may require revisions to the grant proposal in order to achieve the objectives under this Notice.

Program Period of Performance

The Corporation will make awards covering a period not to exceed three years. Applications must include a proposed budget and proposed activities for the entire award period. If the Corporation approves an application and enters into a multi-year award agreement, the Corporation will initially provide funding based only on the first year's budget. The Corporation has no obligation to provide additional funding. Additional funding is contingent upon satisfactory performance, the availability of funds, and other criteria established in the award agreement.

Notice of Intent To Apply

In order to gauge the number of applications we are likely to receive, we request that applicants send an email by April 1, 2002, to the individual named below in each specific category (AmeriCorps, Special Volunteer Programs and RSVP). The email notice of intent should state that you plan to submit an application for the homeland security competition by the applicable deadline. Although submission of the notice of intent to apply is not mandatory, we encourage you to submit one to help the Corporation to plan more efficiently for our review.

The notice should include the name of your organization, address, contact person, phone number. State commissions should email a letter of intent that includes an estimate of the number of subgrantee programs they plan to submit to the Corporation.

Additional Information Concerning the Specific Funding Available

*Category A: AmeriCorps*State and AmeriCorps*National*

Number and Amount of Awards

The Corporation will make available approximately $5 million under this announcement for AmeriCorps*State and National programs. We anticipate funding approximately 10 to 15 grant awards ranging from $200,000 to $750,000. The Corporation will consider requests to use a portion of the $5 million in new funds earmarked for AmeriCorps*State competitive and National to expand existing programs.

Eligible Applicants

*For AmeriCorps*State competitive funds*, generally any eligible entity, including Indian tribes and faith-based organizations, proposing to operate a program within a single state may apply for these funds. These organizations should apply to the relevant state commission for funds. Because North Dakota, South Dakota, and U.S. territories other than American Samoa do not have state commissions, entities proposing to operate a program within these states or territories are not eligible

for AmeriCorps*State competitive funds.

*For AmeriCorps*National funds*, nonprofit organizations, including faith-based organizations, that will operate a program in two or more states are eligible to seek funding under this category directly from the Corporation. Eligible applicants also include partnerships or consortia formed across two or more states that consist of institutions of higher education, Indian tribes, or other nonprofits, including labor and religious organizations.

An organization described in Section 501(c)(4) of the Internal Revenue Code, 26 U.S.C. 501(c)(4), that engages in lobbying activities is not eligible to apply, serve as a host site for members, or act in any type of supervisory role in the program.

Allowable Costs

Applicants for AmeriCorps funds generally are required to meet previously published (application guidelines and instructions) limitations on per-member costs to be paid by the Corporation. However, we will consider granting a waiver if the applicant demonstrates a strong need in its program design for flexibility.

Additional Requirements Under This Announcement

Applicants must propose activities for AmeriCorps members to support homeland security. Proposals that do not address homeland security through service and volunteering will be judged nonresponsive. Applicants should consider relating program activities to a Citizen Corps planning team or initiative. In the event that a Citizen Corps has not been identified or is not underway, then applicants must demonstrate that they are part of a community-wide or statewide effort to support homeland security. One way that eligible organizations can demonstrate that they are part of a coordinated strategy is to apply in consortia with one organization serving as the legal applicant or to have a statewide or local entity coordinating homeland security (*e.g.*, mayor's office) be the grant applicant.

Volunteer mobilization is a requirement under this Notice. Applicants must include a plan for mobilizing non-paid volunteers, *e.g.*, seniors, students, or members of the community of all ages and backgrounds, in the design of their program. Applicants that do not mobilize volunteers as part of their program activities will not be considered for funding.

Application Instructions

All eligible applicants must meet all of the applicable requirements contained in this Notice. Eligible applicants under AmeriCorps*State competitive funds, other than state commissions themselves, should contact the state commission for application guidelines and instructions and specific deadline information. A complete listing of state commissions, as well as contact information, is available on the Corporation's website, www.americorps.org.

Eligible applicants under AmeriCorps*National can obtain a copy of the application guidelines and instructions from the Corporation website.

For a printed copy of any of these materials, please contact Shelly Ryan at 202–606–5000, x549 (*sryan@cns.gov*).

Applicants are urged to pay close attention to these application materials. They contain a wide variety of relevant requirements, including matching funds, AmeriCorps member benefits, the activities in which AmeriCorps members may engage, and the requirements for organizations proposing to operate a program.

Please email your intent to apply by April 1, 2002, to Shelly Ryan at *sryan@cns.gov*.

Application Dates

Applications must arrive at the Corporation no later than 5 p.m., Eastern Daylight Time, on May 8, 2002. The Corporation will not accept applications that are submitted via facsimile. Due to delays in delivery of regular USPS mail to government offices, there is no guarantee that your application will arrive in time to be considered. We suggest that you use USPS priority mail or a commercial overnight delivery service.

We anticipate announcing AmeriCorps*National selections under this Notice no later than June 28, 2002.

Application Address

Proposals must be submitted to the Corporation at the following address: Corporation for National and Community Service, Attn: Nancy Talbot, 1201 New York Avenue NW., Box H.S., Washington, DC 20525.

For Further Information Contact

For further information, contact Peter Heinaru at 202–606–5000 x302 (*pheinaru@cns.gov*). The TDD number is 202–565–2799. This Notice is available in an alternative format for people with visual impairments.

Legal Authority

AmeriCorps*State competitive and AmeriCorps*National programs are authorized by the National Community Service Act of 1990, as amended, 42 U.S.C. 12571–12595.

Category B. Special Volunteer Programs

Number and Amount of Awards

The Corporation will make available approximately $5 million under this announcement for grants to support Special Volunteer programs. We anticipate funding approximately 25 grant awards ranging from $100,000 to $500,000. Grantees may make subgrants to local groups.

Eligible Applicants

Eligible applicants include: state commissions on national and community service; nonprofit organizations operating in more than one state; consortia of local nonprofit organizations, including faith-based organizations; and public entities at the state and local level.

An organization described in Section 501(c)(4) of the Internal Revenue Code, 26 U.S.C. 501(c)(4), that engages in lobbying activities is not eligible to apply, serve as a host site for volunteers, or act in any type of supervisory role in the program.

Purpose of Special Volunteer Programs

The statutory purpose of Special Volunteer Programs is to strengthen and supplement efforts to meet a broad range of needs, including those in low-income communities, by encouraging ''persons from all walks of life and from all age groups to perform meaningful and constructive service.'' Programs funded under this category must propose activities to support homeland security. Such activities may include:

- Mobilization of community volunteers to support public safety.
- Volunteers providing support for emergency response teams.
- Mobilization of the faith-based community to support public safety and public health agencies.
- Capacity building grants to enable public agencies to make maximum use of volunteer mobilization.
- Service-learning programs that work with seniors to address homeland security issues.
- Dissemination of information to senior centers and schools, as well as training for teachers and youth workers concerning homeland security.

The above are examples. Any questions concerning whether a proposed activity is eligible under this

category should be directed to Nancy Talbot at 202–606–5000 ext.470, (*ntalbot@cns.gov*).

While programs in this category may include volunteers of all ages, they should primarily involve seniors in service. Service options for this program may include volunteer service that is part-time, full-time, short-term or episodic service. The applicant determines the options that will make the program successful.

Allowable Costs

The grant may support reasonable and necessary costs typically associated with a program of this type. Grant funds are for management and administrative support for volunteer activities related to homeland security, with particular emphasis on involving seniors in service. In general, funds are not available for stipends under this category. If modest stipends are to be paid to leaders or others serving on a full-or substantial part-time basis, the applicant should specify the amounts. Such amounts should be very limited and are justifiable only when necessary to encourage service on a sustained basis (*e.g.*, minimum of 15–20 hours per week for a year).

Although there is no minimum matching requirement for grants under this category, grantees are required to provide a non-federal contribution (cash or in-kind) and must identify the sources(s) and amount(s) of the contribution.

Additional Requirements Under This Announcement

There are no restrictions for participation concerning age or income. The Corporation anticipates that the majority of individuals involved will be seniors. Veterans are encouraged to participate. The applicant must demonstrate the involvement of seniors in the program and will be asked, if a grant is awarded, to document the participation of those 55 years of age and older. The program design should be replicable.

Applicants should consider relating program activities to a Citizen Corps planning team or initiative. In the event that a Citizen Corps has not been identified or is not underway, then applicants must demonstrate that they are part of a community-wide or statewide effort to support public health, public safety or emergency preparedness. One way that eligible organizations can demonstrate that they are part of a coordinated strategy is to apply in consortia with one organization serving as the legal applicant or to have a statewide or local entity coordinating homeland security (*e.g.,* mayor's office) be the grant applicant. In addition, applicants must propose activities to support homeland security.

Proposals that do not address homeland security through service and volunteering will be judged nonresponsive.

Applicants currently operating or applying for Corporation funding may apply for funding under this Notice. In doing so, the applicant must differentiate between the proposed objectives and activities and those of its currently funded national service program or pending application.

Application Instructions

All eligible applicants must submit an application that meets all of the requirements contained in this Notice. Eligible applicants under Special Volunteer Programs can obtain a copy of the application from Nancy Talbot at 202–606–5000, ext. 470 (*ntalbot@cns.gov*). Applicants are urged to pay close attention to these application materials.

Please email your intent to apply by April 1, 2002, to Shelly Ryan at *sryan@cns.gov.*

Application Dates

Applications must arrive at the Corporation no later than 5 p.m., Eastern Daylight Time, on May 8, 2002. The Corporation will not accept applications that are submitted via facsimile. Due to delays in delivery of regular USPS mail to government offices, there is no guarantee that your application will arrive in time to be considered. We suggest that you use USPS priority mail or a commercial overnight delivery service.

We anticipate announcing Special Volunteer Program selections under this Notice no later than June 28, 2002.

Application Address

Proposals must be submitted to the Corporation at the following address: Corporation for National and Community Service, Attn: Nancy Talbot, 1201 New York Avenue NW., Box H.S., Washington, DC 20525.

For Further Information Contact

For further information, contact Nancy Talbot at 202–606–5000 x470, (*ntalbot@cns.gov*). The TDD number is 202–565–2799. This Notice is available in an alternative format for people with visual impairments.

Legal Authority

The demonstration authority for Special Volunteer Programs, 42 U.S.C. 4991–4993, authorizes the Corporation to make grants to pay for the federal share of support to service programs that strengthen and supplement efforts to meet a broad range of needs.

Category C: New Grants Under the Retired and Senior Volunteer Program (RSVP)

Number and Amount of Awards

The Corporation will make available approximately $1,400,000 under this announcement to support up to 2,800 Retired and Senior Volunteer Program (RSVP) volunteers serving in roles that strengthen homeland security. We anticipate funding approximately 14 new federally-funded RSVP grant projects in geographic areas currently unserved by RSVP. The average amount of the awards will be approximately $100,000.

Eligible Applicants

Public agencies (including state and local agencies and other units of government), non-profit organizations, including faith-based organizations, institutions of higher education and Indian Tribes are eligible to apply. Sponsors of RSVP projects that receive no funds from the Corporation, other than funding for Programs of National Significance (PNS), are eligible to apply. Current sponsors of RSVP Projects funded by the Corporation are not eligible to apply under this Notice.

An organization described in Section 501(c)(4) of the Internal Revenue Code, 26 U.S.C. 501(c)(4), that engages in lobbying activities is not eligible to apply, serve as a host site for volunteers, or act in any type of supervisory role in the program.

Purpose of RSVP

Under RSVP the Corporation provides grants to eligible organizations for the dual purpose of engaging persons 55 and older in volunteer service to meet critical community needs and to provide a high quality experience that will enrich the lives of volunteers. RSVP matches volunteers' skills, life experiences, and interests with priority needs across the nation.

In 2000, RSVP included 766 local projects with over 470,000 RSVP volunteers contributing over 78 million hours of service to their communities through a network of 67,500 local non-profit and community-based organizations. RSVP serves in more than 1,400 counties nationally. Last year alone, RSVP volunteers carried out 131,000 patrols that freed up 540,000 hours of police time, assisted in immunizing 270,000 children and adults, and since September 11, many

have been actively engaged in relief efforts and strengthening disaster response capacity in their communities.

Allowable Costs

The grant may support reasonable and necessary costs typically associated with a program of this type. Such costs are delineated in the RSVP application guidelines and instructions.

Additional Requirements Under This Announcement

Applicants should consider relating program activities to a Citizen Corps planning team or initiative. In the event that a Citizen Corps has not been identified or is not underway, then applicants must demonstrate that they are part of a community-wide or statewide effort to support public health, public safety or emergency preparedness. Applicants that are not part of such an effort will not be considered for funding. In addition, applicants must propose activities to support homeland security. Proposals that do not address homeland security through service and volunteering will be judged nonresponsive.

There are no restrictions concerning the geographic location of an applicant. However, projects proposed under this Notice must be in geographic areas currently unserved by RSVP. An organization currently receiving funds under the Retired and Senior Volunteer Program may apply for similar program activities through ''programs of national significance.''

Application Instructions

All eligible applicants must submit an application that meets all of the criteria and requirements contained in this Notice. Application guidelines and instructions can be downloaded from the Corporation's Web site, *www.nationalservice.org;* or obtained by contacting the appropriate Corporation State Office. Information on how to contact state offices is located on our website: click on ''Contact Us'' at the bottom of the page.

Applicants are urged to pay close attention to these application materials. They contain a wide variety of relevant requirements, including non-federal contributions, the amounts of stipends volunteers may receive, and the requirements for organizations proposing to operate a program.

Please email your intent to apply by April 1, 2002, to John Keller at *jkeller@cns.gov.*

Application Dates

Applications must arrive at the Corporation for National and Community Service by 5:00 p.m. (Eastern Daylight Time), May 8, 2002. The Corporation will not accept applications that are submitted via facsimile. Due to delays in delivery of regular USPS mail to government offices, there is no guarantee that your application will arrive in time to be considered. We suggest that you use USPS priority mail or a commercial overnight delivery service.

We anticipate announcing RSVP selections under this Notice no later than June 28, 2002.

Application Address

Proposals must be submitted to the Corporation at the following address: Corporation for National and Community Service, Attn: John Keller, 1201 New York Avenue NW., Box H.S., Washington, DC 20525.

For Further Information Contact

For further information, contact John Keller at 202–606–5000 ext. 554, (*jkeller@cns.gov*). The TDD number is 202–565–2799. This Notice is available in an alternative format for people with visual impairments.

Legal Authority

RSVP programs are authorized by the Domestic Volunteer Service Act, 42 U.S.C. 5001.

Dated: March 4, 2002.

Gary Kowalczyk,

Coordinator, National Service Programs.

[FR Doc. 02–5520 Filed 3–7–02; 8:45 am]

BILLING CODE 6050–$$–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Announcement Concerning Corporation Program Resources and Homeland Security

AGENCY: Corporation for National and Community Service.

ACTION: Announcement concerning Corporation program resources and homeland security.

SUMMARY: The Corporation for National and Community Service (hereinafter the ''Corporation'') announces that organizations which currently receive program grant funds or any type of Federal program assistance from the Corporation and use service and volunteering as a strategy to meet community needs may redirect program activities to support homeland security. The Corporation defines homeland security to include programs supporting public safety, public health, and disaster preparedness and relief.

FOR FURTHER INFORMATION CONTACT: For further information, contact Nancy Talbot at 202–606–5000 ext. 470 (*ntalbot@cns.gov*).

SUPPLEMENTARY INFORMATION:

Background

In the State of the Union address, the President announced the USA Freedom Corps that will build on the great American ethic of service. The USA Freedom Corps will promote a culture of responsibility, service, and citizenship. It will work with key service agencies in government and the nonprofit sector to provide incentives and new opportunities to serve at home and abroad. The USA Freedom Corps will draw on help from Americans of all ages and of every background. The Corporation and its programs—National Senior Service Corps, AmeriCorps, and Learn and Serve America—are part of the efforts under the USA Freedom Corps.

The Corporation's support for homeland security includes:

Public Safety

Public safety is one of the four primary service activities for AmeriCorps, Senior Corps, and Learn and Serve America. Thousands of volunteers serve with and for police departments, fire departments, rescue teams, emergency response agencies, and land management agencies. They are not armed, nor can they make arrests, but they carry out vital tasks including organizing neighborhood watch groups, community policing, victim assistance, fingerprinting and other tasks that free officers and other professionals to do front line work. In its first five years, AmeriCorps has organized 46,000 safety patrols, and in one year alone senior volunteers carried out 131,000 patrols that freed up 540,000 hours of police time.

Public Health

Currently, AmeriCorps members, Learn and Serve America participants, and Senior Corps volunteers fulfill a variety of public health roles including assisting in immunizing children and adults, serving as case managers, distributing health information, and providing health screenings. Last year alone, AmeriCorps members distributed health information materials to 500,000 people and provided health screenings to 181,000 individuals, while Senior Corps volunteers assisted in immunizing 270,000 children and adults. Learn and Serve America students, faculty, and teachers developed education materials on a broad range of health topics, served in

clinics, and provided needed medical care in underserved areas.

Disaster Preparedness and Relief

AmeriCorps members, including the National Civilian Community Corps, and Senior Corps volunteers have a long track record of working with FEMA and other relief agencies in helping communities to respond to disasters. Learn and Serve America participants respond to local disasters as well. National and community service participants help run emergency shelters, assist law enforcement, provide food and shelter, manage donations, assess and repair damage, and help families and communities rebuild. Since September 11, many have been actively engaged in relief efforts.

Corporation Announcement Concerning Existing Volunteer and Service Programs

The Corporation announces that organizations that currently receive program grant funds or any type of federal program assistance from the Corporation and use service and volunteering as a strategy to meet community needs are encouraged, where appropriate, to direct activities to support homeland security in the three areas described above—public safety, public health, and disaster preparedness and relief. This notice applies to all Corporation grantees, including state commissions on national and community service, nonprofit organizations, state education agencies, institutions of higher education, and state and local governments.

In general, organizations receiving Corporation program grants or federal program assistance have considerable flexibility to focus activities on meeting community needs. The Corporation encourages all organizations to consider directing resources toward the needs associated with homeland security. Please address any specific questions concerning the flexibility to redirect any available resources to your appropriate program officer at the Corporation. Any material change in activity that will prevent your organization from accomplishing the objectives for which the grant was issued requires that you notify the Corporation in writing and that the Corporation provides you written approval. Similarly, changes in applicable budget categories, as specified in the grant provisions, requires written approval. To ensure that you are aware of any specific requirements concerning the redirection of Corporation resources or activities, we advise you to inform your appropriate program officer of your proposed changes.

Dated: March 4, 2002.

Gary Kowalczyk,

Coordinator, National Service Programs.

[FR Doc. 02–5521 Filed 3–7–02; 8:45 am]

BILLING CODE 6050–$$–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission of OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Consideration will be given to all comments received by April 8, 2002.

Title, Form, and OMB Number: DoD Building Pass Application; DD Form 2249; OMB Nunber 0704–0328.

Type of Request: Reinstatement.

Number of Respondents: 102,000.

Responses per Respondent: 1.

Annual Responses: 102,000.

Average Burden Per Response: 6 minutes.

Annual Burden Hours: 10,200.

Needs and Uses: This information is used by officials of Security Services, Defense Protective Services, Washington Headquarters Services to maintain a listing of personnel who are authorized a DoD Building Pass. The information collected from the DD Form 2249 is used to verify the need for and to issue a DoD Building Pass to DoD personnel, other authorized U.S. Government personnel, and DoD consultants and experts who regularly work in or require frequent and continuing access to DoD owned or occupied buildings in the National Capital Region.

Affected Public: Individuals or Households; Business or Other For-Profit.

Frequency: On Occasion.

Respondent's Obligation: Required to Obtain or Retain Benefits.

OMB Desk Officer: Ms. Jackie Zeiher.

Written comments and recommendations on the proposed information collection should be sent to Ms. Zeiher at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DoD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: March 4, 2002.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 02–5608 Filed 3–7–02; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Final Programmatic Environmental Impact Statement (PEIS)—Army Transformation

AGENCY: Department of the Army, DoD.

ACTION: Notice of availability

SUMMARY: The Department of the Army announces the availability of the Final PEIS for Army Transformation.

The PEIS details the environmental concerns which may affect various aspects of Army transformation including, but not limited to: unit location; materiel acquisition and testing; training areas; range requirements; and strategic deployment.

DATES: Written comments received within 30 days of the publication of this Notice of Availability by the Environmental Protection Agency (EPA) in the **Federal Register** for this action will be considered by the Army during final decision making.

ADDRESSES: To obtain a copy of the PEIS write to Headquarters, Department of the Army, ATTN: DAMO–FMF (Mr. Jim Lucas), 400 Army Pentagon, Washington, DC 20310–0400 or access the Army Homepage at www.army.mil/a–z.htm, and scroll to Programmatic Environmental Impact Statement. The PEIS has been posted at this website to facilitate public access and comment. Comments may also be provided to the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Jim Lucas, (703) 692–4653 or by writing to Headquarters, Department of the Army, ATTN: Army G–3 (DAMO–FMF), 400 Army Pentagon, Washington, DC 20310–0400.

SUPPLEMENTARY INFORMATION: The prospect of a rapidly changing and more turbulent, unpredictable, global security environment underscores the need for a high level of U.S. defense preparedness. To meet the challenges of a wider range of threats and a more complex set of operating environments, the U.S. will require an Army capable of rapid response and dominance across the entire spectrum of operations in joint,

interagency, and multinational configurations. Today's Army force structure and supporting systems were designed for a different era and enemy. They lack the capability to operate optimally across the full range of likely future operations. The Army's superb heavy forces are unequalled in their ability to gain and hold terrain in the most intense, direct fire combat imaginable, and, once deployed, are the decisive element in major theater wars. The current heavy forces, however, are challenged to get to contingencies where we have not laid the deployment groundwork; and once deployed, these forces have a large logistical footprint. On the other hand, the Army's current light forces can strike quickly but lack survivability, lethality and tactical mobility once inserted. Therefore, to meet the defense challenges of the future and provide the National Command Authority the decisive land power forces necessary to support the National Security Strategy and National Military Strategy, the Secretary of the Army and the Chief of Staff of the Army have articulated a clear Army Vision that includes transforming the most respected Army in the world into a strategically responsive force that is dominant across the full spectrum of operations.

The Army proposes to implement transformation as rapidly as possible, while continually maintaining the warfighting readiness of its operational forces, improving its installations and business practices, and taking care of its people. The proposed program of Army transformation would be the mechanism used to integrate and synchronize the implementation of the Army Vision. To validate early transformation concepts, an initial force of two brigade combat teams at Fort Lewis, Washington, is receiving off-the-shelf equipment to support evaluation and refinement of new doctrinal organizational concepts. An interim force of six to eight brigade combat teams will following the future. The Interim Force would be a transition force—one that seeks the objective force state-of-the-art technology, but leverages today's technology together with modernized legacy forces as a bridge to the future. The objective force would be the force that achieves our transformation objective. It would be a future force that would be a strategically responsive Army capable of dominating at every point across the full spectrum of operations and rapidly transitioning across mission requirements without loss of momentum. It would be able to operate as an integral member of joint, multinational, interagency teams and would be dominant against the asymmetric application of conventional, unconventional, and weapons of mass destruction threat capabilities.

The PEIS complies with the National Environmental Policy Act (NEPA) of 1969. Implementation of the Army transformation, as envisioned, will be a major undertaking entailing a series of changes in equipment, force structure and training practices. As changes are proposed for specific sites and for equipment acquisition and testing, there will likely be a range of adverse and beneficial effects on the environment. The PEIS informs the public, regulators, concerned groups and Army decision-makers about potential environmental concerns that should be factored into all aspects of Army transition. Additionally, the PEIS provides all stakeholders with an opportunity to present their views to Army decision makers.

Alternatives: (1) No Action Alternative: Whereby Army transformation would not be implemented and needed changes to Army equipment, force structure and training practices would be separately analyzed on a piecemeal basis; (2) Action Alternative: Whereby Army transformation, as envisioned by Army decision-makers, would be implemented to better meet present and future national security requirements and fulfill the Army Vision.

Significant issues: The PEIS addresses issues including noise, impacts to wetlands and riparian areas, soil erosion, air and water quality, endangered species, and cultural resources.

Public Comment: Comments received as a result of the NOA will be used to assist the Army in final decision making. Individuals or organizations may participate in this process by written comment by mail or by facsimile through the Army Homepage web site www.army.mil/a-z.htm, scrolling to Programmatic Environmental Impact Statement. To be considered in the final decision making process, comments and suggestions should be received no later than 30 days following the EPA announcement of the availability of the PEIS in the **Federal Register.** Questions regarding this PEIS may be directed to Headquarters, Department of the Army at the above address or by facsimile transmission to (703) 692–4735.

Dated: March 1, 2002.

Raymond J. Fatz,

Deputy Assistant Secretary of the Army, (Environment, Safety and Occupational Health) OASA (I&E).

[FR Doc. 02–5552 Filed 3–7–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Intent To Prepare an Environmental Impact Statement (EIS) for Force Transformation and Mission Capability Enhancements, Joint Readiness Training Center and Fort Polk, LA and Long Term Military Training Use of Kisatchie National Forest Lands

AGENCY: Department of the Army, DoD; Forest Service, USDA.

ACTION: Notice of Intent.

SUMMARY: The Joint Readiness Training Center (JRTC) and Fort Polk (Army), and the Forest Service (USDA), Region 8, Kisatchie National Forest, as lead and cooperation agencies respectively, are initiating the preparation of an EIS pursuant to Section 102(2)(C) of the National Environmental Policy Act. This EIS will evaluate potential impacts associated with the Army's proposal for implementing force transformation and mission capability enhancements at the JRTC and Fort Polk, Louisiana, along with long-term military training use of the Kisatchie National Forest. Based on the results of the EIS and consideration of all relevant factors, the Army will determine how best to provide for military training, readiness and facilities requirements. The Forest Service will determine what military activities and land uses may occur on national forest lands and how best to balance military and non-military uses. The EIS will also serve as a foundation for the Army's application to the Forest Service to renew its permit for continued use of portions of the Kisatchie National Forest. A range of alternatives, including no action, will be considered in the EIS. Action alternatives will include options for construction, siting and design of facilities and the types and intensities of maneuver and gunnery exercises to occur within the following areas: Army lands at Fort Polk and Peason Ridge Training Area; portions of the Vernon Unit and Kisatchie District of the Kisatchie National Forest designated as the

Intensive Use Area, Limited Use Area and Special Limited Use Area under the Army's current Special Use Permit; and at England Industrial Airpark, the Army's port of embarkation at Alexandria, Louisiana. Military use of surrounding private, non-residential lands under contractual lease or other agreement will also be evaluated.

DATES: All comments must be received or postmarked by May 7, 2002 to be considered in the preparation of the Draft EIS.

ADDRESSES: Please send written comments to: Dan Nance, Public Affairs Office, 7073 Radio Road, Fort Polk, LA 71459–5342; fax: (337) 531–6014; e-mail: eis@polk.army.mil.

FOR FURTHER INFORMATION CONTACT: Stacy Basham-Wagner, Joint Agency Liaison, Attention: AFZX–PW–E (Basham-Wagner), 1799 23rd Street, Fort Polk, LA 71459; telephone: (337) 531–7458, fax: (337) 531–2627; or Dan Nance, Public Affairs Office, 7073 Radio Road, Fort Polk, LA 71459–5342; telephone: (337) 531–7203, fax: (337) 531–6014.

SUPPLEMENTARY INFORMATION: The Kisatchie National Forest encompasses approximately 604,000 acres of national forest land in northwest and west-central Louisiana. The JRTC and Fort Polk is located in Vernon Parish, in west-central Louisiana. The main post consists of 107,024 acres that are divided between Army fee-owned land on the northern portion of the post (66,998 acres) and Forest Service fee-owned land on the southern portion (40,026 acres) referred to as the Intensive Use Area (IUA). The IUA is used intensively by the Army under the terms of a Special Use Permit (SUP) agreement between the Forest Service and Fort Polk. An area contiguous to and south of the main post is used for less intensive military training under the terms of the SUP an is known as the Limited Use Area (LUA). The LUA consists of 44,799 acres that are fee-owned and managed by the Forest Service. Peason Ridge is a non-contiguous training area north of the main post consisting of Army lands (33,011 acres) and Forest Service lands (480 acres). North of Peason Ridge is an area referred to as the Special Limited Use Area (SLUA) in the SUP, consisting of 12,820 acres. The SLUA is made available for limited training by JRTC and Fort Polk.

The JRTC, established at Fort Polk in 1993, is the only Combat Training Center devoted to and capable of supporting Army light infantry brigade-level training. JRTC training focuses on training light infantry with support from armor, mechanized equipment, and aircraft. Ten JRTC rotations (extensive field training exercises for visiting Army brigade and supporting Air Force, Navy and Marine units) are normally conducted at Fort Polk each year, with an average of more than 5,000 troops involved in each training event.

Fort Polk also serves as an Army power projection platform from which fores deploy by air, rail and sea to areas of operation around the world. It is home to the 2d Armored Cavalry Regiment (Light) (2d ACR) and several other rapid deployment and combat service support units. In addition to the 2d ACR, active Army units assigned to Fort Polk include the 519th Military Police Battalion (519th MP Bn); the Warrior Brigade, consisting of the 46th Engineer Battalion, 83d Chemical Battalion, 115th Field Hospital, 142d Corps Support Battalion, and Headquarters and Headquarters Company, U.S. Army Garrison; and the 1st Battalion, 509th Infantry (1–509 IN), which portrays the Opposing Force during JRTC rotations. Fort Polk also provides training opportunities for the 256th Brigade (Mechanized) (Enhanced), Louisiana Army National Guard (LANG) and various reserve component units.

In October 1999, the Secretary of the Army and the Chief of Staff of the Army articulated a vision to posture the Army to meet the demands of the 21st century: The Army Vision is about people, readiness, and transformation. Transformation addresses the need for change based on emerging security challenges of the 21st century. Chief among these challenges is the need to be able to respond more rapidly to different types of operations requiring military action. Toward these ends, the Army will field an Interim Force to address strategic near-term capability gaps and to validate and develop operational concepts on which subsequent transformation planning and implementation activities can logically build. Ultimately, the Army will field an Objective Force designed to render the Army more responsive, deployable, agile, versatile, lethal, survivable, and sustainable.

In support of Army initiatives to meet evolving security requirements, the Army has designated the 2d ACR to transform as an element of the Interim Force to the 2d Interim Cavalry Regiment (2d ICR), a medium-weight force that is strategically responsive and more rapidly deployable by air. In addition to transformation of the 2d ACR, other medium-weight, brigade-sized Interim Force elements—known as Interim Brigade Combat Teams (IBCTs)—would participate in rotational exercises at JRTC and Fort Polk.

To these ends, the Army proposes to implement force transformation and mission capability enhancements at JRTC and Fort Polk with respect to home station training (maneuver and gunnery exercises for Army units assigned to Fort Polk), rotational unit exercises, and facilities construction. The purpose of the proposed action is to bring the Interim Force to operational capability and to support an ICR that will function as part of the Interim Force; to provide realistic, advanced field training, modernized weapons training, and performance evaluation opportunities for IBCTs and other Army brigades; and to provide training lands and supporting facilities for both rotational brigades and for forces assigned to Fort Polk. The need for the proposed action is to provide the Nation with capabilities that meet current and evolving national defense requirements.

The proposed action involves federal jurisdictions of the Army and Forest Service. The decision to be made by the Army, based on the results of the EIS and upon consideration of all relevant factors (including mission, cost, technical factors, and environmental considerations) is how best to provide for military training, readiness and facilities requirements while ensuring the sustained use of resources entrusted to the stewardship of the Army. The decision to be made by the Forest Service is what military activities and land uses may occur on national forest lands and how best to balance military and non-military uses while sustaining resources entrusted to Forest Service stewardship. In addition, the information compiled in the EIS will serve as a foundation for the Army's application to the Forest Service to renew its permit for continued use of Kisatchie National Forest lands.

The Army's proposed actions associated with force transformation and mission capability enhancements at JRTC and Fort Polk may be categorized into the following six activity groups:

(1) Systems Fielding. This activity group involves fielding of new and modernized vehicles, weapons systems and equipment for Interim Forces, including the Mobile Gun System and a family of interim armored vehicles (IAVs).

(2) Construction. This activity group includes construction, modernization and revitalization of buildings, training facilities (*e.g.*, live fire ranges), and infrastructure. Proposed construction activities and infrastructure improvements are divided according to location in one of six areas: Fort Polk

cantonment areas; Fort Polk maneuver areas and ranges; Peason Ridge maneuver areas and ranges; Forest Service IUA; Forest Service LUA; and England Industrial Airpark, the Army's port of embarkation at Alexandria, Louisiana.

—*Fort Polk Cantonment Areas:* Proposed construction activities within the Fort Polk cantonment areas include repair of the Fort Polk Army airfield and taxiway and construction of the following: (a) A new 77,500 square foot Mission Training Support Facility, (b) an aircraft maintenance hangar at the Fort Polk airfield, (c) a deployment storage facility, (d) an arms storage facility, (e) a battalion headquarters and materials maintenance center, (f) a company headquarters facility, (g) a consolidated rigging facility, and (h) a pre-positioned equipment and maintenance complex.

—Fort Polk Maneuver Areas and Ranges. Proposed construction activities in the Fort Polk maneuver areas and ranges include: (a) Digitization of the existing Multi-Purpose range Complex, (b) construction of a sniper range at an existing small arms range and a pallet processing facility, and (c) expansion of the existing alert holding area and the ammunition supply point.

—*Forest Service IUA:* Construction activities proposed in the IUA include: (a) Approximately 18 miles of new road construction and improvements, including stream crossings, and (b) modernization of existing firing ranges.

—*Forest Service LUA:* Proposed construction activities in the LUA include: (a) Stream crossing and road/trail improvements at up to 38 sites, (b) upgrade of existing roads and road segments, and (c) potential construction of new roads.

—England Industrial Air Park. Proposed construction activities at England Industrial Air Park include: (a) Construction of ammunition loading pads, (b) a passenger processing facility, and (c) upgrade of the north aircraft ramp.

(3) Land Transaction. This activity group involves Army use of lands through permit, lease or other agreement. Proposed land transactions include continued use of Kisatchie National Forest lands through Special Use Permit agreement between the Army and Forest Service and use of private, non-residential lands under contractual lease or other agreement. No acquisition of land through purchase or withdrawal of public domain lands is proposed.

(4) Deployment. This activity group involves operational deployment of forces, as well as training that is specifically tied to deployment of forces. Deployment or training for deployment of Army units from Fort Polk would occur at England Industrial Airpark or by rail or seaport.

(5) Training. This activity group involves achieving and maintaining readiness to perform assigned missions, along with management of training ranges and maneuver areas. Proposed training includes both brigade-level training rotations at JRTC and training exercises for Army units assigned to Fort Polk.

—*JRTC Rotational Exercises:* Proposals related to JRTC rotational exercises pertain to (a) continuation of field training exercises involving conventional light infantry brigades (two battalions in the field), (b) expanded operations and larger field training exercises involving conventional light infantry brigades (three battalions in the field), (c) the use of new vehicles and tactics and expanded field training exercises involving IBCTs (three battalions in the field), (d) the use of additional tracked vehicles in armor and mechanized battalion rotations, (e) continuation of mission rehearsal exercises, and (f) changes in equipment and use of additional vehicles by Opposing Forces.

—*Home Station Training:* Proposals related to home station exercises (i.e., maneuver and gunnery training for Army units assigned to Fort Polk) pertain to (a) new training requirements for the 2d ACR as it transforms to become the 2d ICR, (b) continued training of the 519th MP Bn, (c) continued training of the Warrior Brigade, including designation of additional simulant release sites in support of biological detection system (BIDS) training, (d) continued training of the 1–509th IR in its role as Opposing Forces for rotational units and (e) continued training of the LANG.

(6) Environmental Stewardship. Proposed environmental stewardship activities include continuation of the following: (a) Implementation of approved Army and Forest Service management and monitoring requirements for the red-cockaded woodpecker and its habitat, (b) implementation of approved integrated natural and cultural resource management plans, (c) management of Exemplary Natural Areas, (d) implementation of sustainable design and development principles, (e) development and implementation of adaptive ecosystem management strategies and practices, and (f) development and implementation of an Environmental Management System for JRTC and Fort Polk.

Scoping and Public Involvement: The scoping process begun by this notice of intent will help to clarify issues of major concern, may identify any information sources available to analyze and evaluate impacts, and obtain public input on the range and acceptability of alternatives. Based on the results of scoping the Army and Forest Service will develop a range of alternatives, including no action. Action alternatives will include options for construction, siting and design of facilities and the types and intensities of maneuver and gunnery exercises to occur within Army lands at Fort Polk and Peason Ridge; the IUA, LUA and SLUA of the Kisatchie National Forest; and at England Industrial Airpark in Alexandria, Louisiana. Military use of surrounding private, non-residential lands under contractual lease or other agreement will also be evaluated.

The Army and Forest Service recognize numerous issues of concern that will affect selection of alternatives and identification of issues to be addressed in the EIS. A representative listing of such issues includes: changes in operational training intensity, sustainability of training lands (maneuver areas and ranges), historic land uses and changes in land conditions, red-cockaded woodpecker status and recovery, status of Management Indicator Species and their habitats, rare and sensitive species, soil erosion, surface and groundwater resources, scenic streams and streamside management zones, air quality, energy consumption, pollution prevention, socioeconomic conditions, recreational opportunities and public access, noise, road conditions and other effects on LUA residents and surrounding communities, and cumulative effects. Additional issues of concern may be identified as a result of the scoping process.

The Army and Forest Service invite the general public, local governments, Federally recognized Indian tribes, other Federal agencies, and state agencies to submit written comments concerning the scope of the issues to be addressed, alternatives to be analyzed, and the environmental impacts and cultural impacts to be addressed in the DEIS. The Army and Forest Service will jointly conduct open houses/workshops to enable the submission of oral or

written comments by all interested parties. Oral and written comments will be considered equally in preparation of the DEIS. The open house/workshops will be held in Shreveport, Leesville, and Baton Rouge, Louisiana, in March 2002. The dates, times, and specific locations of the open house/workshops will be announced at least 15 days before each session. Persons or organizations unable to attend the open house/workshop sessions are invited to submit written comments not later than 60 days from the date of this NOI to the individual and office shown in the addresses given above.

Dated: March 1, 2002.

Raymond J. Fatz,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health) OASA(I&E).

[FR Doc. 02–5566 Filed 3–7–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to amend a system of records.

SUMMARY: The Department of the Army is amending a system of records notice in its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

The category of records entry is being amended to better define those individual pieces of data contained in the reports maintained in the system.

DATES: This proposed action will be effective without further notice on April 8, 2002, unless comments are received which result in a contrary determination.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC–PDD–RP, Stop 5603, 6000 6th Street, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the records system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: March 1, 2002.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0380–13 DAMO

SYSTEM NAME:

Local Criminal Intelligence Files (February 22, 1993, 58 FR 10002).

CHANGES:

SYSTEM IDENTIFIER:

Delete entry and replace with 'A0190–45a DAMO'.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with 'Any individual suspected or involved in criminal activity directed against or involving the United States Army.'

CATEGORIES OF RECORDS IN THE SYSTEM:

Add to entry 'Information includes subject's name, aliases, addresses, phone number, date of birth, source of investigation, risk analysis, reports, threat assessments, retention control sheets, victims names, names of informants, names of law enforcement officers and investigators, and subject's group affiliations, if any.'

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete second paragraph. Any release of information from this system of records for law enforcement purposes is covered under the DoD 'Blanket Routine Use' for law enforcement.

* * * * *

RETRIEVABILITY:

Delete entry and replace with 'By individual's name, Social Security Number, and/or date of birth.'

* * * * *

A0190–45a DAMO

SYSTEM NAME:

Local Criminal Intelligence Files.

SYSTEM LOCATION:

At all designated Army commands, installations and activities. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual suspected or involved in criminal activity directed against or involving the United States Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports and supporting documents of criminal activity directed against or involving the U.S. Army. Information includes subject's name, aliases, addresses, phone number, date of birth, source of investigation, risk analysis, reports, threat assessments, retention control sheets, victims names, names of informants, names of law enforcement officers and investigators, and subject's group affiliations, if any.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; Army Regulation 380–13, Acquisition and storage of Information Concerning Non-Affiliated Persons and Organizations; Army Regulation 190–45, Law Enforcement Reporting; Army Regulation 195–2, Criminal Investigation Activities; and E.O. 9397 (SSN).

PURPOSE(S):

To enable designated Army officials, commanders, or civil criminal justice agencies to meet their responsibilities maintaining law and order through investigation and possible judicial action. To identify individuals in an effort to anticipate, prevent or monitor possible criminal activity directed against or involving the U.S. Army.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic tape/disc, and on electronic storage media.

RETRIEVABILITY:

By individual's name, Social Security Number, and/or date of birth.

SAFEGUARDS:

Only authorized personnel have access to files. Physical security

measures include locked containers/storage areas, controlled personnel access, and continuous presence of authorized personnel.

RETENTION AND DISPOSAL:

Criminal intelligence reports and cross-index cards belonging to the Headquarters, Criminal Investigation Division, are destroyed when no longer needed, except for reports of current operational value. These reports are reviewed yearly for continued retention, not to exceed 20 years, and then destroy. The records maintained at the Regional Headquarters are destroyed after 5 years. Records maintained at District, field office and elements designated by region commanders are destroyed after 3 years or when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Operations and Plans, Military Operations, 400 Army Pentagon, Washington, DC 20310–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Deputy Chief of Staff for Operations and Plans, Military Operations, 400 Army Pentagon, Washington, DC 20310–0400.

Individual should provide their full name, Social Security Number, date of birth, and address.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Deputy Chief of Staff for Operations and Plans, Military Operations, 400 Army Pentagon, Washington, DC 20310–0400.

Individual should provide their full name, Social Security Number, date of birth, and address.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Subjects, witnesses, victims, Military Police and U.S. Army Criminal Investigation Command personnel and special agents, informants, various Department of Defense, federal, state and local investigative and law enforcement agencies, departments or agencies of foreign governments, and any other individuals or organizations which may supply pertinent information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principle function any activity pertaining to the enforcement of criminal laws.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

[FR Doc. 02–5365 Filed 3–7–02; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DOD.

ACTION: Notice to Alter a System of Records.

SUMMARY: The Department of the Army is altering a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on April 8, 2002 unless comments are received which result in a contrary determination.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC–PDD–RP, Stop 5603, 6000 6th Street, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on February 22, 2002, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: March 4, 2002.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0190–9 DAMO

SYSTEM NAME:

Absentee Case Files (February 22, 1993, 58 FR 10002).

CHANGES:

SYSTEM LOCATION:

Delete entry and replace with 'U.S. Army Personnel Control Facility, U.S. Army Desert Information Point, Building 1481, Fort Knox, KY 40121–5000.'

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with 'Active duty Army, U.S. Army Reserve on active duty or in active duty training status, and Army National Guard personnel on active duty, absent without authority from their place of duty, listed as absentee, and/or who have been designated as a deserter.'

CATEGORIES OF RECORDS IN THE SYSTEM:

Add to entry 'individual's name, Social Security Number, grade'.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with 'In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Information may be disclosed to the Department of Veterans Affairs for assistance in determining whereabouts of Army deserters through the Veterans and Beneficiaries Identification and Records Locator Subsystem.

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.'

* * * * *

A0190–9 DAMO

SYSTEM NAME:

Absentee Case Files.

SYSTEM LOCATION:

U.S. Army Personnel Control Facility, U.S. Army Desert Information Point,

Building 1481, Fort Knox, KY 40121–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Army, U.S. Army Reserve on active duty or in active duty training status, and Army National Guard personnel on active duty, absent without authority from their place of duty, listed as absentee, and/or who have been designated as a deserter.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, grade, reports and records which document the individual's absence; notice of unauthorized absence from U.S. Army which constitutes the warrant for arrest; notice of return to military control or continued absence in hands of civil authorities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army, Army Regulation 190–9, Absentee Deserter Apprehension Program and Surrender of Military Personnel to Civilian Law Enforcement Agencies; Army Regulation 630–10, Absence Without Leave, Desertion, and Administration of Personnel Involved in Civilian Court Proceedings; and E.O. 9397 (SSN).

PURPOSE(S):

To enter data in the FBI National Crime Information Center 'wanted person' file; to ensure apprehension actions are initiated/terminated promptly and accurately; and to serve management purposes through examining causes of absenteeism and developing programs to deter unauthorized absences.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Information may be disclosed to the Department of Veterans Affairs for assistance in determining whereabouts of Army deserters through the Veterans and Beneficiaries Identification and Records Locator Subsystem.

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

STORAGE:

Paper documents and the record copy of the Arrest Warrant are maintained in the Official Military Personnel Files; verified desertion data are stored on the Deserter Verification Information System at the U.S. Army Deserter Information Point.

RETRIEVABILITY:

Manually, by name; automated records are retrieved by name, plus any numeric identifier such as date of birth, Social Security Number, or Army serial number.

SAFEGUARDS:

Access is limited to authorized individuals having a need-to-know. Records are stored in facilities manned 24 hours, 7 days a week. Additional controls which meet the physical, administrative, and technical safeguard requirements of Army Regulation 380–19, Information Systems Security, are in effect.

RETENTION AND DISPOSAL:

Automated records are erased when individual returns to military custody, is discharged, or dies. Paper or microform records remain a permanent part of the individual's Official Military Personnel File.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Operations and Plans, ATTN: DAMO–ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the U.S. Army Deserter Information Point, U.S. Army Enlisted Records Center, Indianapolis, IN 42649–5301.

Individual should provide the full name, Social Security Number and/or Army serial number, address, telephone number and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the U.S. Army Deserter Information Point, U.S. Army Enlisted Records Center, Indianapolis, IN 46249–5301.

Individual should provide the full name, Social Security Number and/or Army serial number, address, telephone number and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Unit commander, first sergeants, subjects, witnesses, military police, U.S. Army Criminal Investigation Command personnel and special agents, informants, Department of Defense, federal, state, and local investigative and law enforcement agencies, departments or agencies of foreign governments, and any other individuals or organizations which may furnish pertinent information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principle function any activity pertaining to the enforcement of criminal laws.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

[FR Doc. 02–5609 Filed 3–7–02; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Notice of Intent To Prepare a Draft Environmental Impact Statement for the Proposed Mare Island Disposal Ponds—Commercialization, Solano County, CA

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (USACE), San Francisco District has received an application for a Department of the Army authorization from Roy F. Weston, Inc. (Weston) on behalf of the City of Vallejo, California to deposit up to 11.4 million cubic yards of regionally-dredged material into seven dredged disposal ponds covering an area of 359-acres on the western side of Mare Island in the City of Vallejo in Solano County, California. In accordance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), the USACE has determined that the proposed action may have a significant impact on the quality of the human environment and therefore requires the

preparation of the Environmental Impact State (EIS). A combined Environmental Impact Report (EIR)/EIS will be prepared with the USACE as the Federal lead agency and the City of Vallejo as the local lead agency (under the California Environmental Quality Act, or CEQA).

The purpose of the proposed action is to provide for the commercial operation of the former Naval dredge disposal ponds through a 50-year sublease from the City of Vallejo to Weston under the City's long-term lease of the property from the California State Lands Commission.

DATES: A scoping meeting for this project will be held on March 13, 2002, 7 p.m. to 9 p.m.

ADDRESSES: The Scoping meeting will be held at the Vallejo City Hall, 555 Santa Clara, Vallejo, California, 94592. Mail comments to: Elizabeth Dyer, U.S. Army Corps of Engineers, 333 Market Street, CESPN–OR–R, San Francisco, California 94105–2197, or; Brian Dolan, City of Vallejo Planning Department, P.O. Box 3068, 555 Santa Clara Street, Vallejo, California, 94590.

FOR FURTHER INFORMATION CONTACT:

Elizabeth Dyer, 415–977–8451, or electronic mail: *edyer@spd.usace.army.mil.*
Brian Dolan, 707–649–5458, or electronic mail: bdolan@ci.vallejo.ca.us

SUPPLEMENTARY INFORMATION:

1. *Description of Proposed Action:* The project is limited to Weston's commercial operation of the former Naval dredge disposal ponds through a 50-year sublease from the City of Vallejo under the City's long-term lease of the property from the State Lands Commission. Individual dredging projects that select the proposed facility as a disposal site are not the subject of this permit application and would require separate review and authorization by the department of the Army. If alternative future uses for the ponds, such as community recreational uses or rehandling facilities are proposed, separate environmental assessments and permit evaluations will have to be conducted for those uses.

The scope of this project is limited to using the seven ponds (2N, 2M, 2S, 4N, 4M, 4S, and 7) during Weston's operation of the site.

a. Install a permanent slurry pipeline from the Carquinez Straits near Pier 35 to Ponds 4S and 2S along the rights-of-way for Tyler and Ribeiro roads.

b. Maintain existing roadways and improve infrastructure that may include roadway upgrades, pump facilities, piping and appurtenances.

c. Use dredge material to increase pond capacity by raising the levees of the seven ponds. Increasing pond capacity will result in pond area loss of up to 17.9 acres of waters of the United States. No mitigation has been proposed for this permanent fill.

d. Transport material in sealed trucks from Pier 35 and mechanically place material from smaller projects into the Pond 7, the one existing separate pond closest to the offloading area.

e. Offload hydraulically or with a mechanical crane dredged material form scows in the vicinity of Pier 35. Fro large projects, the use of dilution water pumped from the Carquinez Straits would involve the temporary and periodic installation of hydraulic offloading equipment and a floating slurry discharge pipe in the waters of Carquinez Strait near Pier 35.

f. Hydraulically place dredged material slurry into six contiguous ponds (2N, 2M, 2S, 4N, 4M, 4S) using a combination of existing and new distribution piping from the offloading area to the six contiguous ponds.

g. Use of gravity settling methods on the placed dredged material slurry to allow solids to separate from excess water in the six contiguous ponds.

h. Discharge clarified decants water by gravity to San Pablo Bay that will meet Regional Water Quality Control Board (RWQCB) waste discharge requirements for effluent.

2. *Reasonable Alternatives:* In accordance with the requirements of Section 15124 of the State CEQA Guidelines and 40 CFR 1502.14, reasonable alternatives to the proposed action will be evaluated in the Draft EIR/EIS as listed below:

a. *Proposed Action (Preferred Alternative):* This alternative is the proposed action and is described above.

b. *No Action Alternative:* All seven ponds remain seasonal wetland habitat.

c. *Effluent Discharge into Carquinez Strait:* In this alternative, effluent would be piped from the southern most perimeter of ponds 2S and 4S and discharge into Carquinez Strait in the vicinity of Pier 5.

d. *Effluent Water Recycling:* In this alternative, effluent would be piped from the southern most perimeters of ponds 2S and 4S of Pond 7.

3. *Scoping Process:* Pursuant to CEQA and NEPA, the City of Vallejo and the USACE must include a scoping process for the Draft EIR/EIS. Scoping primarily involves determining the scope of the issues to be addressed in the Draft EIR/EIS and identifying the anticipated significant issues for in-depth analysis. The scoping process included public participation to integrate public needs and concerns regarding the proposed action into the process.

a. *Public Involvement Program:* Venues for public comment on the proposed action will include: a public workshop to be conducted jointly by the City of Vallejo and the USACE; the preparation of the Draft EIR/EIS and receipt of public comment in response to the Draft EIR/EIS; and public hearings.

b. *Significant Issues to be Analyzed in Depth in the Draft EIR/EIS:* The EIS will address the following issues: impacts to aquatic, wetland, and upland ecosystems; water flows; socio-economic impacts; hazardous and toxic waste; water quality; aesthetics and recreation; fish and wildlife resources, including protected species; cultural resources; and other impacts identified through scoping public involvement, and interagency coordination.

c. *Environmental Review/ Consultation Requirements:*

- National Environmental Policy Act
- Section 404 of Clean Water Act
- Section 10 of Rivers & Harbors Act
- Endangered Species Act
- Magnusun-Stevens Act Provisions; Essential Fish Habitat
- Clean Air Act
- National Historic Preservation Act
- Fish and Wildlife Coordination Act
- Coastal Zone Management Act
- Council on Environmental Quality Memorandum—Analysis of Impacts on Prime and Unique Agricultural Lands

4. *Scoping Meeting/Availability of Draft EIR/EIS:* The City of Vallejo and the USACE will hold a scoping meeting to provide information on the project and receive oral comments on the scope of the document. The scoping meeting for the project will be held at 7:00 PM on Tuesday March 13th, 2002 at the Vallejo City Hall, located at 555 Santa Clara in the City of Vallejo. The Draft EIR/EIS is expected to be available for public review in June 2002.

(Authority: 40 CFR part 1501.7)

Dated: February 26, 2002.

Calvin C. Fong,

Chief, Regulatory Branch.

[FR Doc. 02–5515 Filed 3–7–02; 8:45 am]

BILLING CODE 3710–19–M

DEPARTMENT OF EDUCATION

McKinney-Vento Education for Homeless Children and Youths Program

AGENCY: Department of Education, Office of Elementary and Secondary Education.

ACTION: Notice of school enrollment guidelines.

SUMMARY: The Secretary issues guidelines on the enrollment of homeless children and youth in schools. The Secretary takes this action under the McKinney-Vento Homeless Assistance Act. These guidelines are designed to help States expedite the school enrollment of homeless children and youth.

School Enrollment Guidelines

I. Background

Section 724(g) of the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act), as reauthorized by the No Child Left Behind Act of 2001 (NCLB) (Pub. L. 107–110), requires the Secretary of Education (Secretary) to develop, issue, and publish in the **Federal Register**, no later than 60 days after the date of enactment of the NCLB, school enrollment guidelines that describe (1) successful ways that a State can assist local educational agencies (LEAs) in immediately enrolling homeless children and youth in school; and (2) how a State can review its requirements regarding immunization and medical or school records and make whatever revisions are appropriate and necessary to immediately enroll homeless children and youth in school.

Under the McKinney-Vento Homeless Children and Youths Program, State educational agencies (SEAs) must ensure that homeless children and youth have equal access to the same free public education, including a public preschool education, as is provided to other children and youth. States must review and undertake steps to revise any laws, regulations, practices, or policies that may act as barriers to the enrollment, attendance, or success in school of homeless children and youth.

School districts and schools may not separate homeless students from the mainstream school environment on the basis of their homelessness. Homeless students must also have access to the education and other services that they need to have an opportunity to meet the same challenging State academic achievement standards to which all students are held. (Congressional Statement of Policy in section 721 of the McKinney-Vento Act.)

In their reports to the Department under the McKinney-Vento program, many States indicated that they have made progress in addressing school enrollment barriers faced by homeless students. However, these States acknowledged that lack of transportation, immunization requirements, lack of school records, and other problems continue to cause enrollment difficulties. The guidelines in this notice provide examples of successful or promising enrollment practices based on our review of national studies and evaluations and our analysis of reports describing effective enrollment strategies.

II. Definitions

Section 725 of the McKinney-Vento Act defines the following terms:

(a) *Homeless children and youth* means individuals who lack a fixed, regular, and adequate nighttime residence. The term includes—

(1) Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(2) Children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(3) Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(4) Migratory children (as defined in section 1309 of the Elementary and Secondary Education Act of 1965, as amended) who qualify as homeless because they are living in circumstances described in this definition.

(b) *Enroll* and *enrollment* include attending classes and participating fully in school activities.

(c) *Unaccompanied youth* includes a youth not in the physical custody of a parent or guardian.

III. Statutory Enrollment Provisions

(A) State Responsibilities Regarding Enrollment

The McKinney-Vento Act requires States to implement a number of measures to eliminate enrollment barriers faced by homeless children and youth. These measures include the following:

(1) Developing Strategies To Overcome Enrollment Delays Resulting From a Lack of Records and Other Issues

Each SEA must prepare a State plan that describes, among other things, the State's strategies for addressing problems resulting from enrollment delays that are caused by immunization and medical records requirements; residency requirements; lack of birth certificates, school records, or other documentation; guardianship issues; and uniform or dress code requirements. (Section 722(g)(1)(H)) The plan must demonstrate that the SEA and LEAs in the State have developed, and will review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in school. (Section 722(g)(1)(I))

(2) Prohibiting the Segregation of Homeless Children and Youth

The State plan must contain assurances that the SEA and LEAs in the State will adopt policies and practices to ensure that homeless children and youth are not stigmatized or isolated on the basis of their status as homeless. (Section 722(g)(1)(J)(i))

There is a limited exception in section 722(e)(3) to the prohibition against segregating homeless students that applies only to schools in four ''covered counties''—San Joaquin County, CA; Orange County, CA; San Diego County, CA; and Maricopa County, AZ—if certain statutory conditions are met. The Secretary may issue separate instructions concerning this exception to the affected LEAs and to the two States in which they are located.

(3) Assisting LEA Liaisons

In its plan, an SEA must assure that every LEA in the State will designate an appropriate staff person to serve as a liaison for homeless children and youth (Section 722(g)(1)(J)(ii)). The liaison will help ensure that homeless children and youth enroll in, and have a full opportunity to succeed in, schools of that LEA. (Section 722(g)(6)(A))

The Coordinator for Education of Homeless Children and Youth in each State must, among other things, provide technical assistance to LEA liaisons to ensure that LEAs comply with the legislative requirements, including student enrollment requirements. (Section 722(f)(6))

(4) Addressing Transportation Barriers

In its plan, an SEA must assure that the State and its LEAs will adopt practices and policies to ensure that LEAs provide or arrange for the transportation of homeless children and youth, at the request of the parent or guardian—or, in the case of an unaccompanied youth, the liaison—to and from the homeless child's or youth's school of origin. (Section 722(g)(1)((J)(iii)) The McKinney-Vento Act defines ''school of origin'' as the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled. (Section 722(g)(3)(G)) (The

transportation provisions are discussed in greater detail in (III)(b)(6) of the enrollment guidelines in this notice.)

(B) LEA Responsibilities Regarding Enrollment

The McKinney-Vento Act also requires LEAs to implement a number of measures to eliminate enrollment barriers faced by homeless children and youth. These measures include the following:

(1) Making School Placement Determinations on the Basis of the Best Interest of the Child

Homeless children and youth frequently move, so maintaining a stable school environment is critical to their success in school. To ensure this stability, the legislation requires that LEAs make school placement determinations on the basis of the ''best interest'' of the homeless child or youth. (Section 722(g)(3)(A))

In making a placement determination, an LEA must, according to the child's or youth's best interest—

(a) Continue the child's or youth's education in the school of origin—

(i) For the duration of homelessness if a family becomes homeless between academic years or during an academic year; or

(ii) For the remainder of the academic year if the child or youth obtains permanent housing during an academic year; or

(b) Enroll the child or youth in any public school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

In determining best interest, an LEA must, to the extent feasible, keep a homeless child or youth in the school of origin, unless doing so is contrary to the wishes of the child's or youth's parent or guardian. (Section 722(g)(3)(B)(i)) If an LEA sends a homeless child or youth to a school other than the school of origin or a school requested by the parent or guardian, the LEA must provide a written explanation of its decision to the parent or guardian, together with a statement regarding the right to appeal the placement decision. (Section 722(g)(3)(B)(ii)) Similar provisions apply to an LEA's placement of an unaccompanied youth. (Section 722(g)(3)(B)(iii))

(2) Immediately Enrolling Homeless Children and Youth and Providing Assistance With Obtaining Records

A school that an LEA selects on the basis of the best interest determination must immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment (such as previous academic records, medical records, proof of residency, or other documentation). (Section 722(g)(3)(C)(i))

The enrolling school must immediately contact the school last attended by the child or youth to obtain relevant academic or other records. (Section 722(g)(3)(C)(ii)) If a child or youth needs to obtain immunizations, or immunization or medical records, the enrolling school must immediately refer the parent or guardian to the LEA homeless liaison, who must assist in obtaining the immunizations or records. (Section 722(g)(3)(C)(iii)

Any record ordinarily kept by a school regarding each homeless child or youth must be maintained so that it is available in a timely fashion when the child enters a new school or school district. (Section 722(g)(3)(D))

(3) Handling Enrollment Disputes

If a dispute arises between a school district and parents or guardians over school selection or enrollment, the LEA must immediately enroll the child or youth in the school in which the parent or guardian seeks enrollment, pending resolution of the dispute. (Section 722(g)(3)(E)(i)) The LEA must provide to the parent or guardian a written statement of the school placement decision and the appeal rights. (Section 722(g)(3)(E)(ii)) The LEA must refer the child, youth, parent, or guardian to the LEA liaison, who must expeditiously carry out the dispute resolution process described in the State plan. (Section 722(g)(3)(E)(iii)) Similar protections apply to unaccompanied youth. (Section 722(g)(3)(E)(iv))

(4) Prohibiting the Segregation of Homeless Children and Youth

An LEA may not educate homeless children and youth in settings in which they are segregated from non-homeless students, but must mainstream them into the regular school environment. (Section 722(g)(1)(J)(i)) LEAs may segregate homeless students from other students only as necessary for short periods of time (a) for health or safety emergencies, or (b) to provide temporary, special, and supplementary services to meet the unique needs of homeless students. (Section 723(a)(2)(B)(ii)) Thus, LEAs may not maintain segregated schools or facilities for homeless children and youth.

As noted previously, the Secretary may issue separate guidance for the LEAs in the four ''covered counties'' to which a limited exception to this fundamental principle applies and to the two States in which they are located.

(5) Designating an LEA Liaison

Every LEA in States receiving funds under the McKinney-Vento Act must designate an LEA liaison. (Section 722(g)(1)(J)(ii)) The responsibilities of the liaison include ensuring that—

(a) Children and youth experiencing homelessness enroll in, and have a full and equal opportunity to succeed in, schools of that LEA;

(b) The LEA informs the parents or guardians of homeless children and youth of the educational and related opportunities available to their children and provides them with meaningful opportunities to participate in the education of their children;

(c) The LEA disseminates public notice of the educational rights of homeless children and youth in places in which these children receive services under the McKinney-Vento Act;

(d) The LEA properly mediates enrollment disputes; and

(e) The LEA informs the parent or guardian of a homeless child or youth, and any unaccompanied youth, of the transportation services that the LEA must make available, and assists the child or youth in accessing transportation to school. (Section 722(g)(6))

(6) Providing Transportation

The McKinney-Vento Act places new transportation responsibilities on SEAs and LEAs. (Section 722(g)(1)(J)(iii)) As noted previously, SEAs and LEAs must adopt practices and policies to ensure that LEAs provide or arrange for the transportation of homeless children and youth, at the request of the parent or guardian—or, in the case of an unaccompanied youth, the liaison—to and from the homeless child's or youth's school of origin.

If a homeless student continues to live in an area served by the LEA in which the school of origin is located, the LEA must provide or arrange for transportation of the student to and from the school of origin.

If the homeless student is no longer living in the area served by the LEA of origin but is continuing his or her education in the school of origin, the LEA of origin and the LEA in which the homeless student is living must agree on a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin.

If the LEAs cannot agree on a method, the costs for transportation must be shared equally.

IV. Effective State Enrollment Practices

The following is a summary of successful ways in which States have

assisted, or may assist, LEAs in immediately enrolling in schools students experiencing homelessness, and ways in which States can review and revise their requirements regarding immunization and medical or school records in order to facilitate immediate enrollment:

(A) Convening a Steering Committee To Identify and Review Requirements and Policies That May Act as Enrollment Barriers

An SEA may form a broad-based steering committee to examine enrollment barriers. Such a committee could include representatives of the Homeless Coordinator's office; other SEA offices, including transportation officials; other State agencies (e.g., public health, social services), legislative staff, local liaisons, and advocacy groups. The committee should review State laws, rules, regulations, letters, memoranda, and guidance documents to ensure State and local compliance with the requirements of the McKinney-Vento Act. The committee should pay special attention to issues concerning transportation policies, student records and record-transfer requirements, enrolling unaccompanied youth, guardianship requirements, procedures for resolving enrollment disputes, and barriers resulting from school-related fees or school uniform policies.

(B) Providing LEAs and Schools With Guidelines on the Requirements of the McKinney-Vento Act and Ways to Effectively Address Enrollment Barriers

We encourage SEAs to prepare and disseminate to their districts and schools memoranda, guidance documents, notices, or letters summarizing the enrollment requirements and other provisions of the McKinney-Vento Act and to share with them guidance provided by the Department.

Given that transportation has been one of the biggest enrollment barriers, States should highlight in their guidance to districts the new transportation responsibilities of LEAs under the McKinney-Vento Act. States should work with LEAs to develop practices and policies to ensure that transportation is provided as required under the legislation.

State enrollment guidelines should emphasize that an LEA must consider the best interests of the child in making placement decisions and that homeless students must be permitted to enroll in school immediately, even if they cannot produce the documentation normally needed for enrollment.

States may encourage districts to implement policies whereby schools immediately enroll homeless children and youth on such bases as oral communications with prior schools; affidavits from parents or guardians in place of immunization documentation, birth certificates, proof of residency, or other records; and other alternatives to the records usually required for enrollment. The local liaisons can facilitate implementation of these measures.

States should remind LEAs that any records that a school ordinarily keeps must be maintained in a manner that makes the records readily available when a child or youth enters a new school or district, and that the enrolling school must immediately contact the school last attended by the child or youth to obtain the relevant records.

States should inform districts that they should examine any local residency requirements in light of the State's compulsory attendance laws to ensure that those requirements do not act as a barrier to enrollment of children and youth experiencing homelessness.

States may also assist LEAs in adopting policies for waiving any school-related fees (such as course fees, activity fees, or field trip expenses) for homeless or poor families. In addition, they may issue guidance to assist LEAs in addressing barriers caused by lack of money for required school uniforms or for appropriate school clothing.

States may develop manuals to assist LEAs in addressing the needs of homeless students. The manuals could include sample emergency enrollment forms, examples of affidavits of residency or of immunizations, and forms specifying the rights of youth and parents or guardians, including forms for appeals of placement decisions. Manuals could also include information on best practices to address common issues or concerns raised by LEA and school staff regarding their responsibilities under the McKinney-Vento Act. A State may also consider disseminating to districts or schools self-assessment guides on implementation of the McKinney-Vento Act.

In informing districts and schools of enrollment requirements in the McKinney-Vento Act and possible means of addressing enrollment barriers, States should use all available technology, such as e-mail notices, listservs, the SEA website, Statewide hotlines, videos, satellite broadcasts, and teleconferences.

(c) Providing Training and Guidance to LEA Liaisons for Homeless Children and Youth

Families, particularly those experiencing homelessness, often have difficulty keeping track of medical and other records, contacting previous schools to initiate school transfers, and working through school bureaucracies. To help alleviate these problems, States must provide technical assistance to LEAs in coordination with LEA liaisons. This may include training and guidance on meaningful ways for liaisons to assist parents, guardians, and unaccompanied youth in the enrollment process, through such means as accompanying a child from a shelter to school, completing enrollment forms, coordinating the transfer of records, arranging for immunizations, and preparing affidavits to facilitate enrollment. States should also provide training and guidance to assist liaisons in expeditiously resolving enrollment disputes in accordance with the procedures in the State plan.

V. Future Guidance

The Department is preparing additional guidance on other aspects of the McKinney-Vento Act and plans to issue that guidance later this spring.

FOR FURTHER INFORMATION CONTACT: Gary Rutkin, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202–6132. Telephone: (202) 260–4412 or via the Internet at *gary.rutkin@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339. Individuals with disabilities may obtain this notice in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT.**

Paperwork Reduction Act of 1995

This document refers to data requirements that will be part of the information collection in the State application. These data requirements will be under the review of the Office of Management and Budget (OMB) until OMB approves the data requirements at the time it approves the State application.

If you want to comment to the Department on the data requirements in this notice, please send your comments to the contact person listed under **FOR FURTHER INFORMATION CONTACT.**

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Program Authority: Subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, as reauthorized by the No Child Left Behind Act of 2001 (Pub. L. 107–110).

Dated: March 6, 2002.

Susan B. Neuman,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 02–5737 Filed 3–7–02; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–1086–000, et al.]

Midwest Independent Transmission System Operator, Inc., et al.; Electric Rate and Corporate Regulation Filings

March 1, 2002.

Take notice that the following filings have been made with the Commission. Any comments should be submitted in accordance with Standard Paragraph E at the end of this notice.

1. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1086–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by TXU Energy Trading Company.

A copy of this filing was sent to TXU Energy Trading Company.

Comment Date: March 19, 2002.

2. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1087–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Aquila Energy Marketing Corporation.

A copy of this filing was sent to Aquila Energy Marketing Corporation.

Comment Date: March 19, 2002.

3. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1088–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Cargill-Alliant, LLC.

A copy of this filing was sent to Cargill-Alliant, LLC.

Comment Date: March 19, 2002.

4. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1089–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Split Rock Energy LLC.

A copy of this filing was sent to Split Rock Energy LLC.

Comment Date: March 19, 2002.

5. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1090–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Reliant Energy Services Inc.

A copy of this filing was sent to Reliant Energy Services Inc.

Comment Date: March 19, 2002.

6. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1091–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Wisconsin Public Service Corporation.

A copy of this filing was sent to Wisconsin Public Service Corporation.

Comment Date: March 19, 2002.

7. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1092–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Southern Indiana Gas and Electric Company.

A copy of this filing was sent to Southern Indiana Gas and Electric Company.

Comment Date: March 19, 2002.

8. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1093–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Cinergy Services, Inc. (CPMT).

A copy of this filing was sent to CPMT.

Comment Date: March 19, 2002.

9. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1094–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent

Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Entergy-Koch Trading, LP.

A copy of this filing was sent to Entergy-Koch Trading, LP.

Comment Date: March 19, 2002.

10. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1095–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Central Illinois Light Company (CILM).

A copy of this filing was sent to CILM.

Comment Date: March 19, 2002.

11. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1096–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Consolidated Water Power Company.

A copy of this filing was sent to Consolidated Water Power Company.

Comment Date: March 19, 2002.

12. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1097–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Alliant Energy Corporate Services.

A copy of this filing was sent to Alliant Energy Corporate Services.

Comment Date: March 19, 2002.

13. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1098–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by AES New Energy, Inc.

A copy of this filing was sent to AES New Energy, Inc.

Comment Date: March 19, 2002.

14. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1099–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Wisconsin Public Power Inc.

A copy of this filing was sent to Wisconsin Public Power Inc.

Comment Date: March 19, 2002.

15. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1100–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by The Energy Authority.

A copy of this filing was sent to The Energy Authority.

Comment Date: March 19, 2002.

16. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1101–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by American Electric Power Service Corporation.

A copy of this filing was sent to American Electric Power Service Corporation.

Comment Date: March 19, 2002.

17. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1102–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Hoosier Energy, Inc.

A copy of this filing was sent to Hoosier Energy, Inc. *Comment Date:* March 19, 2002.

18. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1103–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Northern States Power Company.

A copy of this filing was sent to Northern States Power Company.

Comment Date: March 19, 2002.

19. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1104–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Upper Peninsula Power Co.

A copy of this filing was sent to Upper Peninsula Power Co.

Comment Date: March 19, 2002.

20. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1105–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Exelon Generation Company, LLC.

A copy of this filing was sent to Exelon Generation Company, LLC.

Comment Date: March 19, 2002.

21. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1106–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Otter Tail Corporation.

A copy of this filing was sent to Otter Tail Corporation.

Comment Date: March 19, 2002.

22. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1107–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Sempra Energy Trading Corp.

A copy of this filing was sent to Sempra Energy Trading Corp.

Comment Date: March 19, 2002.

23. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1108–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by GEN–SYS Energy.

A copy of this filing was sent to GEN–SYS Energy.

Comment Date: March 19, 2002.

24. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1109–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by CMS Marketing, Services and Trading Company.

A copy of this filing was sent to CMS Marketing, Services and Trading Company.

Comment Date: March 19, 2002.

25. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1112–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Madison Gas & Electric Company.

A copy of this filing was sent to Madison Gas & Electric Company.

Comment Date: March 19, 2002.

26. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1110–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and Section 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Duke Energy Trading & Marketing.

A copy of this filing was sent to Duke Energy Trading & Marketing.

Comment Date: March 19, 2002.

27. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1111–000]

Take notice that on February 26, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Lincoln Electric System.

A copy of this filing was sent to Lincoln Electric System.

Comment Date: March 19, 2002.

28. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1120–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Missouri River Energy Services.

A copy of this filing was sent to Missouri River Energy Services.

Comment Date: March 20, 2002.

29. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1121–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Southern Illinois Power Cooperative.

A copy of this filing was sent to Southern Illinois Power Cooperative.

Comment Date: March 20, 2002.

30. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1122–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Utilities Plus.

A copy of this filing was sent to Utilities Plus.

Comment Date: March 20, 2002.

31. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1123–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Springfield, IL (City of) (CWL&P).

A copy of this filing was sent to Springfield, IL (City of) (CWL&P).

Comment Date: March 20, 2002.

32. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1124–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Indiana Municipal Power Agency.

A copy of this filing was sent to Indiana Municipal Power Agency.

Comment Date: March 20, 2002.

33. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1125–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by FirstEnergy Solutions Corp.

A copy of this filing was sent to FirstEnergy Solutions Corp.

Comment Date: March 20, 2002.

34. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1126–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Minnesota Municipal Power Agency.

A copy of this filing was sent to Minnesota Municipal Power Agency.

Comment Date: March 20, 2002.

35. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1127–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Minnesota Power.

A copy of this filing was sent to Minnesota Power.

Comment Date: March 20, 2002.

36. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1128–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Dairyland Power Cooperative.

A copy of this filing was sent to Dairyland Power Cooperative.

Comment Date: March 20, 2002.

37. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1129–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Strategic Energy LLC.

A copy of this filing was sent to Strategic Energy LLC.

Comment Date: March 20, 2002.

38. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1130–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Manitowoc Public Utilities.

A copy of this filing was sent to Manitowoc Public Utilities.

Comment Date: March 20, 2002.

39. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1131–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Southern Minnesota Municipal Power Agency.

A copy of this filing was sent to Southern Minnesota Municipal Power Agency.

Comment Date: March 20, 2002.

40. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1132–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Northwestern Wisconsin Electric Company.

A copy of this filing was sent to Northwestern Wisconsin Electric Company.

Comment Date: March 20, 2002.

41. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1133–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Allegheny Energy.

A copy of this filing was sent to Allegheny Energy.

Comment Date: March 20, 2002.

42. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1134–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Illinois Municipal Electric Agency.

A copy of this filing was sent to Illinois Municipal Electric Agency.

Comment Date: March 20, 2002.

43. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1135–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal

Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Central Illinois Light Company (CILR).

A copy of this filing was sent to Central Illinois Light Company (CILR).

Comment Date: March 20, 2002.

44. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1136–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and § 35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Edison Mission Marketing & Trading, Inc.

A copy of this filing was sent to Edison Mission Marketing & Trading, Inc.

Comment Date: March 20, 2002.

45. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1137–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Indianapolis Power & Light Company.

A copy of this filing was sent to Indianapolis Power & Light Company.

Comment Date: March 20, 2002.

46. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1138–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Montana-Dakota Utilities Company.

A copy of this filing was sent to Montana-Dakota Utilities Company.

Comment Date: March 20, 2002.

47. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1139–000]

Take notice that on February 27, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by MidAmerican Energy Company (MECB).

A copy of this filing was sent to MidAmerican Energy Company (MECB).

Comment Date: March 20, 2002.

48. Cambridge Electric Light Company

[Docket No. ER02–1140–000]

Take notice that on February 27, 2002, Cambridge Electric Light Company (Cambridge Electric) tendered for filing a firm point-to-point transmission service agreement between Cambridge Electric and Mirant Americas Energy Marketing, LP (Mirant). Cambridge Electric states that the service agreement sets out the transmission arrangements under which Cambridge Electric will provide firm point-to-point transmission service to Mirant under Cambridge Electric's open access transmission tariff accepted for filing in Docket No. ER01–2291–001.

Cambridge Electric requests effective date of February 1, 2002.

Comment Date: March 20, 2002.

49. El Paso Electric Company

[Docket No. ER02–1141–000]

Take notice that on February 27, 2002, El Paso Electric Company (El Paso) tendered for filing with the Federal Energy Regulatory Commission (Commission) a Service Agreement with Arizona Electric Power Cooperative, Inc. for Firm Transmission Service under El Paso's Open Access Transmission Tariff. El Paso requests that the proposed Service Agreement be permitted to become effective on January 24, 2002. El Paso states that this filing is in accordance with part 35 of the Commission's regulations, 18 part CFR part 35, and that a copy has been served on the Texas Public Utility Commission.

Comment Date: March 20, 2002.

50. El Paso Electric Company

[Docket No. ER02–1142–000]

Take notice that on February 27, 2002, El Paso Electric Company (El Paso) tendered for filing with the Federal Energy Regulatory Commission (Commission) a Service Agreement with Arizona Electric Power Cooperative, Inc. for Non-Firm Transmission Service under El Paso's Open Access Transmission Tariff. El Paso requests that the proposed Service Agreement be permitted to become effective on January 24, 2002. El Paso states that this filing is in accordance with part 35 of the Commission's regulations, 18 CFR part 35, and that a copy has been served on the Texas Public Utility Commission.

Comment Date: March 20, 2002.

51. Virginia Electric and Power Company

[Docket No. ER02–1143–000]

Take notice that on February 27, 2002, Virginia Electric and Power Company (Dominion Virginia Power) tendered for filing with the Federal Energy Regulatory Commission (Commission) Notice of Termination of Service Agreement with GPU Advance Resources, Inc. designated as First Revised Service Agreement No. 165 under FERC Electric Tariff, Third Revised Volume No. 4.

Dominion Virginia Power respectfully requests a waiver of the Commission's regulation to permit a retroactive effective date of January 29, 2002, as requested by GPU Advance Resources, Inc. Copies of the filing were served upon the GPU Advance Resources, Inc., Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment Date: March 20, 2002.

52. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER02–1144–000]

Take notice that on February 27, 2002, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (individually doing business as GPU Energy) submitted for filing a Notice of Cancellation of the Service Agreement between GPU Energy and Merchant Energy Group of the Americas, Inc., FERC Electric Rate Schedule, Second Revised Volume No. 5, Service Agreement No. 16. GPU Energy requests that cancellation be effective the 26th day of April 2002.

Comment Date: March 20, 2002.

53. Foothills Generating, L.L.C.

[Docket No. ER02–1145–000]

Take notice that on February 27, 2002, Foothills Generating, L.L.C. (Foothills) tendered for filing a service agreement (Power Purchase and Sales Agreement) covering transactions between Foothills and Dynegy Power Marketing, Inc. Under Foothills' market-based rate schedule, to be in effect as of February 1, 2002.

Comment Date: March 20, 2002.

54. Bluegrass Generation Company, L.L.C.

[Docket No. ER02–1146–000]

Take notice that on February 27, 2002, Bluegrass Generation Company, L.L.C. (Bluegrass) tendered for filing a service agreement (Power Purchase and Sales Agreement) covering transactions between Bluegrass and Dynegy Power Marketing, Inc. Under Bluegrass' market-based rate schedule, to be in effect as of February 1, 2002.

Comment Date: March 20, 2002.

55. Rolling Hills Generating, L.L.C.

[Docket No. ER02–1147–000]

Take notice that on February 27, 2002, Rolling Hills Generating, L.L.C. (Rolling Hills) tendered for filing a service agreement (Power Purchase and Sales Agreement) covering transactions between Rolling Hills and Dynegy Power Marketing, Inc. under Rolling Hills market-based rate schedule, to be in effect as of February 1, 2002.

Comment Date: March 20, 2002.

56. Renaissance Power, L.L.C.

[Docket No. ER02–1148–000]

Take notice that on February 27, 2002, Renaissance Power, L.L.C. (Renaissance) tendered for filing a service agreement (Power Purchase and Sales Agreement) covering transactions between Renaissance and Dynegy Power Marketing, Inc. under Renaissance's market-based rate schedule, to be in effect as of February 1, 2002.

Comment Date: March 20, 2002.

57. ISO New England Inc.

[Docket No. ER02–1149–000]

Take notice that on February 27, 2002, ISO New England Inc. submitted as a Section 205 filing in the above docket revisions to Market Rules 1, 2, 3, 4, 5, 6, 8, 9, 15 and 17, with a requested effective date of May 1, 2002.

Comment Date: March 20, 2002.

58. PJM Interconnection, L.L.C.

[Docket No. ER02–1150–000]

Take notice that on February 27, 2002, PJM Interconnection, L.L.C. (PJM) tendered for filing additional minor revisions to Schedules 1A, 7, and 8 of the PJM Open Access Transmission Tariff (PJM Tariff) necessary to reflect the addition of Rockland Electric Company (Rockland) to the PJM control area and markets effective March 1, 2002.

PJM requests an effective date of March 1, 2002 for these tariff revisions, to ensure that these revisions are effective at the same time as the Rockland transfer. PJM states that copies of this filing have been served on all PJM Members and the state electric regulatory commissions in the PJM control area.

Comment Date: March 20, 2002.

59. Entergy Services, Inc.

[Docket No. ER02–1151–000]

Take notice that on February 27, 2002, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc., tendered for filing an unexecuted Interconnection and Operating Agreement with Plum Point Energy Associates, LLC (Plum Point), and a Generator Imbalance Agreement with Plum Point.

Comment Date: March 20, 2002.

60. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1152–000]

Take notice that on February 28, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Dynegy Power Marketing, Inc.

A copy of this filing was sent to Dynegy Power Marketing, Inc.

Comment Date: March 21, 2002.

61. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1153–000]

Take notice that on February 28, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Great River Energy.

A copy of this filing was sent to Great River Energy.

Comment Date: March 21, 2002.

62. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1154–000]

Take notice that on February 28, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by NorthPoint Energy Solutions Inc.

A copy of this filing was sent to NorthPoint Energy Solutions Inc.

Comment Date: March 21, 2002.

63. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1155–000]

Take notice that on February 28, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Wisconsin Electric Power Company.

A copy of this filing was sent to Wisconsin Electric Power Company.

Comment Date: March 21, 2002.

64. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1156–000]

Take notice that on February 28, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by American Municipal Power-Ohio, Inc.

A copy of this filing was sent to American Municipal Power-Ohio, Inc.

Comment Date: March 21, 2002.

65. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1157–000]

Take notice that on February 28, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Williams Energy Marketing & Trading Company.

A copy of this filing was sent to Williams Energy Marketing & Trading Company.

Comment Date: March 21, 2002.

66. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1158–000]

Take notice that on February 28, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent

Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Louisville Gas and Electric Company/Kentucky Utilities.

A copy of this filing was sent to Louisville Gas and Electric Company/Kentucky Utilities.

Comment Date: March 21, 2002.

67. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1159–000]

Take notice that on February 28, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Cinergy Services, Inc. (CIN).

A copy of this filing was sent to Cinergy Services, Inc. (CIN).

Comment Date: March 21, 2002.

68. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1160–000]

Take notice that on February 28, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Basin Electric Power Cooperative.

A copy of this filing was sent to Basin Electric Power Cooperative.

Comment Date: March 21, 2002.

69. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1161–000]

Take notice that on February 28, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Manitoba Hydro.

A copy of this filing was sent to Manitoba Hydro.

Comment Date: March 21, 2002.

70. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1162–000]

Take notice that on February 28, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by Wabash Valley Power Association, Inc.

A copy of this filing was sent to Wabash Valley Power Association, Inc.

Comment Date: March 21, 2002.

71. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–1163–000]

Take notice that on February 28, 2002, pursuant to section 205 of the Federal Power Act and §35.13 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.13, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing a Service Agreements for the transmission service requested by LG&E Energy Marketing Inc.

A copy of this filing was sent to LG&E Energy Marketing Inc.

Comment Date: March 21, 2002.

72. Pedricktown Cogeneration Limited Partnership; TXU Energy Company LLC

[Docket No. EC02–53–000]

Take notice that on February 27, 2002, Pedricktown Cogeneration Limited Partnership (Pedricktown) and TXU Energy Company LLC (TXU Energy) (collectively the Applicants) filed with the Federal Energy Regulatory Commission a joint application pursuant to section 203 of the Federal Power Act for authorization of indirect disposition of control over certain jurisdictional facilities. Under the proposed transaction, TXU Energy will acquire one hundred percent of the partnership interests in Pedricktown, and will indirectly acquire control over certain jurisdictional facilities including, Pedricktown's pending market-based rate schedule, certain interconnection facilities, generator step-up transformers, and generator leads.

Pedricktown is engaged exclusively in the business of owning and operating a 122 MW steam turbine electric generating facility located in Pedricktown, New Jersey (the Facility). The Applicants request privileged treatment by the Commission of the Acquisition Agreement between Javelin Pedrick General Corporation, Javelin Pedrick Limited, LLC, and Javelin Pedrick Limited II, LLC, and TXU Energy that governs the proposed transfer.

Comment Date: March 20, 2002.

73. Pacific Gas and Electric Company

[Docket No. ER01–833–000]

Take notice that on February 28, 2002, Pacific Gas and Electric Company (PG&E) tendered for filing a Further Request for Deferral of Consideration of the unexecuted Wholesale Distribution Tariff (WDT) Service Agreement and Interconnection Agreement between Pacific Gas and Electric Company and Modesto Irrigation District (MID) filed in FERC Docket No. ER01–833–000 on December 29, 2000. PG&E and Modesto are finalizing the WDT Service Agreement and a letter agreement for review and signature, and PG&E therefore is notifying the Commission that executed agreements will not be filed by November 30, 2001, the requested deferral date. PG&E requests that the Commission defer consideration of the proceedings filed in ER01–833–000 to August 26, 2001, 180 days beyond the last request for Deferral in order that the parties may finalize and executed the Agreements.

Copies of this filing have been served upon MID, the California Independent System Operator Corporation, and the California Public Utilities Commission.

Comment Date: March 21, 2002.

74. Southern Indiana Gas & Electric Company

[Docket No. ER01–3063–001]

Take notice that on February 28, 2002, Southern Indiana Gas & Electric Company (SIGECO) tendered for filing a revised supplement to its interim settlement with Alcoa Power Generating, Inc. (APGI) concerning SIGECO's Rate Schedule FPC No. 29. The revised supplement extends the interim settlement which was scheduled to terminate on February 28, 2002, for two months through April 30, 2002.

Copies of the filing were served upon APGI and the Indiana Utility Regulatory Commission.

Comment Date: March 21, 2002.

75. CinCap VII, LLC

[Docket Nos. ER02–319–002 and ER00–1831–004]

Take notice that on February 26, 2002, CinCap VII, LLC tendered for filing a letter providing additional information regarding its notice of change in status and an amendment to the market-based rate tariff and code of conduct originally filed in this Docket on November 13, 2001.

Comment Date: March 19, 2002.

76. CinCap Madison, LLC

[Docket Nos. ER02–322–003 and ER00–1784–005]

Take notice that on February 26, 2002, CinCap Madison, LLC tendered for filing a letter providing additional information regarding its notice of change in status and an amendment to the market-based rate tariff and code of conduct originally filed in this Docket on November 13, 2001.

Comment Date: March 19, 2002.

77. KeySpan-Ravenswood, Inc.

[Docket No. ER02–1113–000]

Take notice that on February 26, 2002, KeySpan-Ravenswood, Inc. (Ravenswood) filed a notice of cancellation of its FERC Electric Tariff Original Volume No. 2 and the unexecuted service agreement thereunder designated as Service Agreement No. 1 filed under FERC Electric Tariff Original Volume No. 2 effective on March 28, 2002.

Comment Date: March 19, 2002.

78. Exelon Generation Company, LLC

[Docket No. ER02–1114–000]

Take notice that on February 26, 2002, Exelon Generation Company, LLC (Exelon Generation), submitted for filing a power sales service agreement between Exelon Generation and El Paso Merchant Energy, LP, under Exelon Generation's wholesale power sales tariff, FERC Electric Tariff Original Volume No. 2

Comment Date: March 19, 2002.

79. Wisconsin Electric Power Company

[Docket No. ER02–1115–000]

Take notice that on February 26, 2002, Wisconsin Electric Power Company (Wisconsin Electric) tendered for filing with the Federal Energy Regulatory Commission (Commission or FERC), a Notice of Cancellation effective January 1, 2001 of an Interconnection and Interchange Agreement, designated as Rate Schedule FERC No. 78 on September 16, 1994, between Wisconsin Electric and Wisconsin Power and Light Company.

Comment Date: March 19, 2002.

80. Cinergy Services, Inc.

[Docket No. ER02–1116–000]

Take notice that on February 26, 2002, Cinergy Services, Inc. (Cinergy) and Griffin Energy Marketing, L.L.C. filed a request for cancellation of Service Agreement No. 203, under Cinergy Operating Companies, FERC Electric Cost-Based Power Sales Tariff, FERC Electric Tariff Original Volume No. 6. **Cinergy requests an effective date of February 25, 2002.**

Comment Date: March 19, 2002.

81. American Electric Power Service Corporation

[Docket No. ER02–1117–000]

Take notice that on February 26, 2002, American Electric Power Service Corporation on behalf of Ohio Power Company (OPCO) submitted for filing an executed Interconnection and Operation Agreement, dated January 18, 2002, between OPCO and Lawrence Energy Center LLC (Lawrence). The agreement is pursuant to the AEP Companies' Open Access Transmission Service Tariff (OATT) that has been designated as the Operating Companies of the American Electric Power System FERC Electric Tariff Second Revised Volume No. 6, effective June 15, 2000.

OPCO requests an effective date of February 1, 2002.

Copies of OPCO's filing have been served upon the Public Utilities Commission of Ohio and Lawrence Energy Center LLC.

Comment Date: March 19, 2002.

82. Continental Electric Cooperative Services, Inc.

[Docket No. ER02–1118–000]

Take notice that on February 26, 2002, Continental Electric Cooperative Services, Inc. (CCS) tendered for filing with the Federal Energy Regulatory Commission an Application for Market-Based Rate Authorization.

Comment Date: March 19, 2002.

83. Garnet Energy LLC [Docket No. ER02–1119–000]

Take notice that on February 27, 2002, Garnet Energy LLC (Garnet) filed a Application for Market-Based Rate Authority with the Federal Regulatory Commission (the Commission) seeking acceptance of Garnet's FERC Rate Schedule No. 1 and the granting of certain blanket approvals, including the authority to sell energy and capacity at market-based rates and the waiver of certain Commission regulations. The request for market-based rate authority is limited to sales of capacity and energy from a new generation facility, known as the Garnet Energy Facility, to be constructed in Canyon County, Idaho.

Comment Date: March 20, 2002.

Standard Paragraph

E. Any person desiring to be heard or to protest such 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 should be filed on or before the comment date. 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. 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.

Magalie R. Salas,

Secretary.

[FR Doc. 02–5551 Filed 3–7–02; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7154–8]

Agency Information Collection Activities: Proposed Collection; Comment Request; Exclusions

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 consolidate and submit the following continuing Information Collection Requests (ICRs) to the Office of Management and Budget (OMB): Motor Vehicle Exclusion Determinations, EPA ICR Number 0012.11, OMB Control Number 2060–0124, expiration date 05/31/02; and Exclusion Determinations for New Non-Road Spark-ignited Engines at or Below 19 Kilowatts, New Compression-ignited Engines at or Above 37 Kilowatts, New Marine Engines, New On-road Heavy Duty Engines and Locomotive Engines, EPA ICR Number 1852.01, OMB Control Number 2060–0395, expiration date 05/31/02. EPA ICR No. 1852.01 is being consolidated into EPA ICR No. 0012.11. 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 May 7, 2002.

ADDRESSES: For a copy of the ICR, contact Chestine Payton at EPA by phone at (202) 564–9328, by e-mail at *payton.chestine@epamail.epa.gov,* or download off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 0012.11

FOR FURTHER INFORMATION CONTACT: Chestine Payton, Telephone (202) 564–9328. Facsimile 202–564–9328, E-mail *payton.chestine@epamail.epa.gov.*

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are businesses or other for-profit organizations, including manufacturers of vehicles and importers of racing vehicles.

Title: Motor Vehicle Exclusion Determinations, EPA ICR Number 0012.11, OMB Control Number 2060–0124, expiration date 05/31/02; and Exclusion Determinations for New Non-Road Spark-ignited Engines at or Below 19 Kilowatts, New Compression-ignited Engines at or Above 37 Kilowatts, New Marine Engines, New On-road Heavy Duty Engines and Locomotive Engines, EPA ICR Number 1852.01, and OMB Control Number 2060–0395, expiration date 05/31/02. This is a request for an extension of currently approved collections.

Abstract: The EPA Office Transportation and Air Quality's Certification and Compliance Division, determines whether a vehicle is excluded from requirements under the Clean Air Act (ACT) based on the criteria listed in 40 CFR 85.1701—Exclusions and Exemption of Motor Vehicles and Motor Vehicle Engines. A manufacturer may make an exclusion determination by itself; however, manufacturers and importers may routinely request EPA to make such a determination to ensure that their determination does not differ from EPA's. Only needed information such as engine type, horsepower rating, intended usage, etc., is requested to make an exclusion determination. A manufacturer who desires a determination by the EPA as to whether a particular type of vehicle is excluded from coverage under the ACT must submit vehicle specifications such as size, use, and top speed. This ensures that motor vehicles which may be legally operated or are capable of being legally operated on streets or highways will not be imported under a racing vehicle exclusion. Some types of engines are excluded from compliance with current regulations. EPA ICR No. 1852.10, OMB Control Number 2060–0395, is being consolidated into EPA ICR No. 0012.11, OMB Control Number 2060–0294. This consolidation will eliminate the need for similar ICRs with the same requirements.

Responses to this collection are voluntary. The information is collected by the Office of Air and Radiation, Office of Transportation and Air Quality, Certification and Compliance Division. Confidentiality to 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: The annual public reporting and record keeping burden for this collection of information is estimated to average 1.5 hours per respondent. The proposed frequency of response is on occasion and the estimated number of likely respondents is 210 per year. 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: March 4, 2002.

Robert Brenner,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 02–5605 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7154–6]

Agency Information Collection Activities: Submission for OMB Review; Comment Request Reporting Requirements for BEACH Act Grants

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 the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Reporting Requirements for BEACH Act Grants, EPA ICR No. 2048.01. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 8, 2002.

ADDRESSES: Send comments, referencing EPA ICR No. 2048.01 to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW, Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Susan Auby at EPA by phone at (202) 260–4901, by e-mail at *Auby.susan@epa.gov* or download off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 2048.01. For technical questions about the ICR contact Charles Kovatch at 202–260–3754.

SUPPLEMENTARY INFORMATION:

Title: Reporting Requirements for BEACH Act Grants (EPA ICR No. 2048.01). This is a new collection.

Abstract: Congress passed the Beaches Environmental Assessment and Coastal

Health (BEACH) Act in October 2000, to amend the Clean Water Act in part by adding section 406 ''Coastal Recreation Water Monitoring and Notification.'' Section 406(b) requires EPA to make grants to States and local governments to develop and implement programs for monitoring and public notification for coastal recreation waters adjacent to beaches or similar points of access that are used by the public, if the State or local government satisfies the requirements of the BEACH Act.

Several of these requirements require a grant awardee to collect and submit information to EPA as a condition for receiving the grant. Section 406(b) requires a grant awardee to provide the factors that the awardees use to prioritize funds and a list of waters for which the grant funds will be used. Section 406(b) also requires that a grant awardee's program is consistent with the performance requirements set by EPA under section 406(a); EPA needs information from the grant awardee to determine if the monitoring and notification programs are consistent with these criteria. On July 31, 2001, EPA published the draft performance criteria for BEACH Act grants (66 FR 39510, July 31, 2001). Section 406(b) also requires that a grant awardee submit a report to EPA that describes the data collected as part of a monitoring and notification program and the actions taken to notify the public when water quality standards are exceeded. Section 406(c) requires a grant awardee to identify lists of coastal recreation waters, processes for States to delegate to local governments the responsibility for implementing a monitoring and notification program, and the content of the monitoring and notification program.

The information covered by this ICR is required of States and local governments that seek to obtain BEACH Act funding. It allows EPA to properly review State and local governments' monitoring and notification programs to determine if they are eligible for BEACH Act grant funding. This information also enables EPA to fulfill its obligations to make this information available to the public as required by sections 406(e) and (g).

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 **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on September 26, 2001 (66 FR 49176); No (zero) comments were received.

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to average 1,993 hours per state per year. 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.

Respondents/Affected Entities: Eligible state and local governments interested in receiving BEACH Act Grant funds.

Estimated Number of Respondents: 30 states and five territories.

Frequency of Response: Annual.

Estimated Total Annual Hour Burden: 69,755 hours per year.

Estimated Total Annualized Capital, O&M Cost Burden: $473,025 per year.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 2048.01 in any correspondence.

Dated: February 19, 2002.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 02–5604 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7155–1]

EPA Science Advisory Board; Request for Nomination of Members and Consultants

SUMMARY: The U.S. Environmental Protection Agency's Science Advisory Board (SAB), including the Clean Air Scientific Advisory Committee (CASAC) and the Advisory Council on Clean Air Compliance Analysis (Council), of the Environmental Protection Agency (EPA) is soliciting nominations for Members and Consultants (M/Cs). As part of this effort, the Agency is publishing this notice to describe the purpose of the SAB and to invite the public to nominate appropriately qualified candidates of any gender or ethnic background to fill upcoming vacancies. This process supplements other efforts to identify qualified candidates.

Background

The SAB is composed of Non-Federal Government scientists and engineers who are employed on an intermittent basis to provide independent advice to the EPA Administrator on technical aspects of public health and environmental issues confronting the Agency. Members of the SAB are appointed by the Administrator—generally in October—to serve two year-terms with some possibilities for reappointment. Consultants are appointed throughout the year, as the need arises, by the SAB Staff Director to serve renewable one-year terms and serve on SAB committees, as needed, to support the work of the Board. Many individuals serve as Consultants prior to serving as Members.

Members and Consultants (M/Cs) most often serve in association with one of the following standing committees: Advisory Council on Clean Air Compliance Analysis, Clean Air Scientific Advisory Committee, Drinking Water Committee, Ecological Processes and Effects Committee, Environmental Economics Advisory Committee, Environmental Engineering Committee, Environmental Health Committee, Integrated Human Exposure Committee, Radiation Advisory Committee, and Research Strategies Advisory Committee. Additional information about the SAB can be obtained on the SAB Web site, *www.epa.sab/gov,* and from the Annual Report of the SAB Staff, *http://www.epa.gov/sab/annreport01.pdf.*

M/Cs can expect to attend 1–6 meetings per year, based upon the activity of the committee with which they serve. M/Cs generally serve as Special Government Employees (SGEs) (40 CFR part 3, subpart F or EPA Ethics Advisory 88–6 dated 7/6/88) and receive compensation, in addition to reimbursement at the Federal Government rate for travel and per diem expenses while serving on the SAB. SGEs are subject to certain ethical standards common to all Federal employees. In particular, prior to their appointment, SGEs are required to complete an information package, including a Confidential Financial Disclosure Report.

Appointments associated with this solicitation will begin no sooner than the fall of 2002. While it is too early to know for certain what types of expertise will be needed, it is likely that at least some of the new M/Cs will have expertise in the following areas:

Air quality monitoring
Exposure assessment
Environmental economics
Environmental engineering
Environmental modeling
Environmental microbiology
Environmental statistics
Health physics
Landscape ecology
Risk assessment
Toxicology—health and ecological
Uncertainty analysis

How To Apply

Any interested person or organization may nominate qualified persons to serve on the SAB. Nominees should be qualified by education, training, and experience to evaluate scientific, engineering and/or economics information on issues referred to and addressed by the Board. Successful candidates have distinguished themselves professionally and should be available to invest the time and effort to advance the cause of the supporting the use of good science through the efforts of the SAB.

Nominees should be identified by name, occupation, position, address, telephone number, fax number, email address, and SAB committee of primary interest. Nominations should include a current resume that addresses the nominee's background, experience, qualifications, and specific areas of expertise.

Information on the nominees will be entered into the SAB's data base for potential M/Cs which will be consulted, as appropriate, when vacancies arise and/or when special expertise is needed for particular SAB activities. This request for nominations does not imply any commitment by the Agency to select individuals to serve as a M/C to the SAB from the responses received.

FOR FURTHER INFORMATION: Nominations should be submitted (preferably in electronic format—WordPerfect or Word formats) to: Ms. Carolyn Osborne, Project Coordinator, EPA Science Advisory Board (1400A), 1200 Pennsylvania Avenue, NW., Washington, DC 20460, e-mail: *osborne.carolyn@epa.gov* Tel: (202) 564–4554 no later than Wednesday, April 30, 2002.

The Agency will not formally acknowledge or respond to nominations.

Dated: March 1, 2002.

Donald G. Barnes,

Staff Director, EPA Science Advisory Board.

[FR Doc. 02–5600 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6627–3]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 567–7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated May 18, 2001 (66 FR 27647).

Draft EISs

ERP No. D–AFS–J65355–UT Rating LO, Ray's Valley Road Realignment, Proposal to Reduce or Eliminate Adverse Impacts to Watershed and Aquatic Species and Provide Safer Driving Conditions, Uinta National Forest, Spanish Fork Ranger District, Utah County, UT.

Summary: EPA expressed lack of objections with the proposed action to improve water quality and riparian habitat by moving the road out of the riparian zone. Reclamation of the current travelway would reduce sedimentation of nearby streams by fifty percent.

ERP No. D–AFS–J65356–UT Rating EO2, Quitchupah Creek Road Project, Road Construction to provide Public Access from UT–10 to the Acord Lakes Road, Application for Right-of-Way Grant, Fishlake National Forest, Sevier County Special Services District (SSD), Sevier and Emery Counties, UT.

Summary: EPA expressed environmental objections over potential adverse impacts to water quality in an already impacted riparian area. The additional right-of-way for road with a primary use of hauling coal could also impact wetlands, wildlife and cultural resources and more information is needed to fully assess indirect and cumulative impacts.

ERP No. DS–FHW–F40346–MI Rating EC2, US–31 Petoskey Area Improvement Study, Congestion Reduction on US–31 in the City of Petoskey and Resort and Bear Creek Townships, Funding and US Army COE Section 404 Permit Issuance, Emmet County, MI.

Summary: EPA expressed environmental concerns with respect to the following issue areas: Effectiveness of alternatives in meeting transportation needs and study goals, impacts to wetlands and cedar swamps, secondary land use changes and cumulative impacts.

ERP No. DS–NOA–A64058–00 Rating EC2, Pelagic Sargassum Habitat Fishery Management Plan, Implementation, Updated Information concerning the Public's Opportunity to Comment on Proposed Actions, South Atlantic Region.

Summary: EPA expressed environmental concerns and requested additional information on strategies for protecting federally-managed fish and federally-protected sea turtles that use Sargassum as a nursery area.

Final EISs

ERP No. F–AFS–C02001–NY, Finger Lake National Forest, Oil and Gas Leasing, Exploration and Development, Approval and Authorization, Hector Ranger District, Seneca and Schuyler Counties, NY.

Summary: EPA expressed lack of objections with the selection of the no action alternative.

ERP No. F–AFS–E65056–FL, Ocklawaha River Restoration Project, Continued Occupation of Florida National Forest Lands, Portions of Kirkpatrick Dam, Rodman Reservoir and Eureka Lock and Dam in Conjunction with Partial Restoration of the Ocklawaha River, Operation and Maintenance, Special Use Permit Issuance and Implementation, Marion and Putnam Counties, FL.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. F–AFS–L65363–OR, Anthony Lakes Mountain Resort Master Development Plan, Upgrading and Additional Development, Approval, Baker Ranger District, Wallowa-Whitman National Forest, Grant, Union and Baker Counties, OR.

Summary: No formal letter was sent to the preparing agency.

ERP No. F–FHW–H40167–MO, US 65 Improvements, County Road 65–122 South to Route EE Intersection south of Buffalo, Funding and US Army COE Section 404 Permit Issuance, Dallas County, MO.

Summary: The FEIS adequately supplements information needs and addresses the concerns that EPA had expressed in the review of the DEIS for this project, therefore EPA has no objections to the project as described in the FEIS.

ERP No. F–FHW–J40151–WY, Wyoming Forest Highway 23 Project, Louis Lake Road also known as Forest Development Road 300, Improvements from Bruce's Parking Lot to Worthen Meadow Road, Funding, NPDES Permits and US Army COE Section 404 Permit, Shoshone National Forest, Fremont County, WY.

Summary: No formal comment letter was sent to the preparing agency.

Dated: March 5, 2002.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 02–5664 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6627–2]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or *www.epa.gov/oeca/ofa*

Weekly receipt of Environmental Impact Statements

Filed February 25, 2002 Through March 01, 2002

Pursuant to 40 CFR 1506.9.

EIS No. 020079, Draft EIS, FHW, ME, Aroostook County Transport Study, To Identify Transportation Corridors that will Improve Mobility and Efficiency within Northeastern Aroostook County and other portions of the U.S. and Canada, COE Section 401 and 404 Permits, Endangered Species Act, NPDES and Section 10 River & Harbors Act, Aroostook, ME, Comment Period Ends: April 30, 2002, Contact: Paul Lariviere, P.E. (207) 622–8355.

EIS No. 020080, Draft EIS, COE, ND, Devils Lake Basin North Dakota Study, The Reduction of Flood Damages Related to the Rising Lake Levels and the Flood-Prone Areas Around Devils Lake and to Reduce the Potential for Natural Overflow Event, Sheyenne River and Red River of the North, ND, *Comment Period Ends:* April 22, 2002, Contact: David Loss (651) 290–5435. This document is available on the Internet at: *http://www.mvp.usace.army.mil/.*

EIS No. 020081, Draft EIS, AFS, CA, Star Fire Restoration Removal of Fire-Killed Trees, Road Reconstruction, and Associated Restoration, Eldorado National Forests (ENF) Georgetown Ranger District, Middle Fork American River, Chipmunk Ridge, and the North Fork of Long Canyon, Placer County, CA, Comment Period Ends: April 22, 2002, *Contact:* Patricia Ferrell (530) 642–5146. This document is available on the Internet at: *http://www.r5.fs.fed.us/eldorado/*

EIS No. 020082, Final EIS, FHW, CA, CA–84—Realignment Project, Transportation Improvement between CA–84 from I–880 to CA–2389/ Mission Blvd, Funding and COE Section 404 Permit, in the Cities of Fremont, Hayward and Union, Alameda County, CA, *Wait Period Ends:* April 08, 2002, *Contact:* Maiser Khaled (916) 498–5020.

EIS No. 020083, Draft EIS, BPA, OR, WA, McNary-John Day Transmission Line Project, Proposing to Construct, Operate, and Maintain a 79-mile-long 500-Kilovolt-Transmission Line, Between McNary Substation and John Day Substation, Umatilla and Sherman Counties, OR and Benton and Klickitat Counties, WA, *Comment Period Ends:* April 23, 2002, *Contact:* Stacy Mason (503) 230–5455. This document is available on the Internet at: *http://www.bpa.gov or www.eh.doe.gov/nepa*

EIS No. 020084, Final EIS, FHW, HI, Kihei-Upcountry Maui Highway, Transportation Improvements, Funding and COE Section 404 Permit, County of Maui, HI, Wait Period Ends: April 08, 2002, *Contact:* Domingo Galicinao (808) 541–2700.

EIS No. 020085, Final EIS, USA, Programmatic EIS, Army Transformation, Army Vision to Address the Changing Circumstances of the 21st Century, Transformation in three Phases: Initial Phase, Interim Capability Phase, and an Objective Force Phase, Wait Period Ends: April 08, 2002, *Contact:* George Wallace (703) 692–3139.

EIS No. 020086, Final EIS, USN, CA, El Toro Marine Corps Air Station Disposal and Reuse, Recommendation and Approval of an Airport Layout Plan for Civilian Airport, Funding, NPDES Permit, Orange County, CA , Wait Period Ends: April 08, 2002, *Contact:* Robert Montana (619) 532–0942. The US Department of the Navy and the US Department of Transportation's Federal Aviation Administration are Joint Lead Agencies for this project.

Dated: March 5, 2002.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 02–5665 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00763; FRL–6827–4]

Fiscal Year 2002 Tribal Pesticide Project Solicitation; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Office of Pesticide Programs (OPP), in coordination with the EPA Regions, is soliciting Tribal pesticide projects for fiscal year (FY) 2002 funding. The total amount of funding available in FY 2002 to be awarded to Tribal governments and/or intertribal consortium for pesticide projects is $445,500.

DATES: Project proposals, identified by docket control number OPP–00763, must be received by EPA Regional staff on or before May 15, 2002.

ADDRESSES: Project proposals may be submitted by mail, fax, or electronically. Please follow the instructions for submissions as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00763 in the subject line on the first page of your proposal.

FOR FURTHER INFORMATION CONTACT: Regina Langton, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Mail Code 7506C, Washington, DC 20460; telephone number: (703) 305–7161; fax number: (703) 308–1850; e-mail address: langton.regina@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to any federally recognized Tribal government or intertribal consortium eligible to receive federal funds. Only one project proposal may be submitted by each Tribal government or intertribal consortium. If you have any questions regarding the applicability of this action, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To

access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. You may also access this document on the Home Page for the Office of Pesticide Programs at http://www.epa.gov/pesticides. Select ''What's New.''

C. How and to Whom Do I Submit a Project Proposal?

You may submit a project proposal through the mail, by fax, or electronically to the EPA Tribal Pesticide staff in your Region, as listed below. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00763 in the subject line on the first page of your proposal.

EPA Region I (Connecticut, Maine, New Hampshire, Rhode Island, Vermont)

Rob Koethe, EPA Region I, One Congress St., Suite 1100, (CPT), Boston, MA 02114–2023, telephone: (617) 918–1535, fax: (617) 918–1505, e-mail: koethe.robert@epa.gov.

EPA Region II (New Jersey, New York, Puerto Rico, Virgin Islands)

Adrian Enache, EPA Region II, U.S. EPA Facilities, Raritan Depot, 2890 Woodbridge Avenue, Edison, NJ 08837–3679, telephone: (732) 321–6769, fax: (732) 321–6771, e-mail: enache.adrian@epa.gov.

EPA Region III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia)

Fatima El Abdaoui, EPA Region III, Chestnut Building (3AT11), Philadelphia, PA 19107,telephone: (215) 814–2129, fax: (215) 814–3114, e-mail: el-abdaoui.fatima@epa.gov.

EPA Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)

Jeaneanne Gettle, EPA Region IV, 61 Forsyth St., SW., Atlanta, GA 30303, telephone: (404) 562–8979, fax: (404) 562–8972, e-mail: gettle.jeaneanne@epa.gov.

EPA Region V (Illinois, Indiana, Michigan, Minnesota, Minnesota, Ohio, Wisconsin)

Meonii Crenshaw, EPA Region V, 77 West Jackson Boulevard (DRT8J), Chicago, IL 60604–3507,telephone: (312) 353–4716, fax: (312) 353–4788, e-mail: crenshaw.meonii@epa.gov.

EPA Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas)

Jerry Collins, EPA Region VI, 1445 Ross Avenue, Dallas, TX 75202–2733,telephone: (214) 665–7562, fax: (214) 665–7263, e-mail:collins.jerry@epa.gov.

EPA Region VII (Iowa, Kansas, Missouri, Nebraska)

John Tice, EPA Region VII, 100 Centennial Mall N., Room 289, Lincoln, NB 68508,telephone: (402) 437–5080, fax: (402) 323–9079, e-mail: tice.john@epa.gov.

EPA Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)

Art Roybal, EPA Region VIII, 999 18th St., (8P-P3T), Denver, CO 80202–2466,telephone: (303) 312–6395, fax: (303) 312–6044, e-mail: roybal.art@epa.gov.

EPA Region IX (Arizona, California, Hawaii, Nevada, American Samoa, Guam)

Marcy Katzin, EPA Region IX, 75 Hawthorne St., (CMD-4-3), San Francisco, CA 94105,telephone: (415) 947–4215, fax: (415) 947–3583, katzin.marcy@epa.gov.

EPA Region X (Alaska, Idaho, Oregon, Washington)

Gary McRae, EPA Region X, Idaho Operations Office, 1435 North Orchard St., Boise, ID 83706, telephone: (208) 378–5765, fax: (208) 378–5744, e-mail: mcrae.gary@epa.gov.

Contact the appropriate regional staff person listed above if you need assistance or have questions regarding the creation or submission of a project proposal.

D. What Should I Consider as I Prepare My Project Proposal for EPA?

1. *Scope and purpose of the OPP Tribal Pesticide Project Cooperative Agreements.* The purpose of Tribal pesticide project cooperative agreements is to provide financial assistance to eligible Tribal governments or intertribal consortium to carry out projects related to human health and the environment that assess or reduce risk from pesticide exposure. Funds can be used for new activities or to further an existing eligible project or program.

2. *Eligible applicants and activities*—i.*Who may submit a project proposal and may an applicant submit more than one*? Any federally recognized Tribal government or intertribal consortium eligible to receive Federal funds may submit a project proposal. Only one project proposal may be submitted by each Tribal government or intertribal consortium.

ii. *What types of projects are eligible for funding*? The Agency will consider projects related to human health and the environment that assess or reduce risk from pesticide exposure. Projects may be targeted to any pesticide concern or need facing a Tribe or intertribal consortium, including:

a. Water quality.

b. Subsistence.

c. Assessment of the need for and/or development of a pesticide management policy or plan.

d. Consideration of integrated pest management, reduced pesticide use, or alternatives to pesticides.

e. Sampling.

f. Effects of pesticides on cultural activities.

g. Education about the use of pesticides in Tribal museum curation.

h. Noxious weed educational materials and/or control alternatives.

i. Public outreach/education materials relating to pest management and/or the safe use, storage and disposal of pesticides.

Water quality work products may be focused on monitoring of surface or ground water (e.g., assessing dietary exposure to pesticides via drinking water, determining those water bodies that may be impaired due to pesticides, predicting potential exposure to endangered and threatened aquatic species, or establishing a baseline of contamination from which to measure progress in the future.) Water quality projects may also include information gathering and development such as a vulnerability assessment, determining the pesticides that are most likely to impact water quality, and/or providing information to pesticide users on ways they can assist in ensuring quality water sources. Finally, water quality work may also focus on the development or implementation of programs aimed at preventing contamination of water sources, mitigating contaminated water sources or implementation of best management practices.

Other types of projects not related to water quality may include the establishment of a Tribal code, a system for the proper disposal of pesticides, and/or educational outreach to the community. Sampling projects may include soil sampling, residue sampling on culturallysignificant/medicinal plants, or sampling to determine the effects of pesticides on cultural activities, such as subsistence hunting and fishing.

iii. *How much money may be requested, and are matching funds required*? Maximum funding awarded will not exceed $50,000 per project. Indirect cost rates will not increase the $50,000 maximum funding amount. No matching funds are required.

II. Project Proposal Application Requirements

A. What is Required as Part of the Application Process?

In order to be considered for funding, applicants must submit the following to the regional Tribal pesticide staff contact indicated in Unit I.C.:

1. Project proposal (maximum 6 pages of narrative), including:

i. Name of project.

ii. Tribal project contact (including qualifications).

iii. Project description, including:

- Purpose and goal(s) of the project.
- New or continuing project.
- Environmental or health issues addressed.
- Approach and methods (how the project will be carried out).
- Deliverables.
- Expected/desired outcome.
- Indicators/measures of success.
- Resources and time frame required for project, including beginning and ending dates.

iv. Need for assistance--Provide the following information to the extent it relates to and is relevant to demonstrating the need for the specific project that is proposed:

- A list of other sources of funding you have sought for the project.
- A description of similar, identical, or otherwise relevant work that you have undertaken, including sources of funding for that work.
- A description of Tribal or other studies, surveys and other sources of information that document the environmental issues that will be addressed by the project.

v. Responsible parties and location.

- Identify persons in charge of the project and their qualifications.
- Identify major participants in the project and their qualifications.
- Identify location(s) where the project will be conducted.

vi. External stakeholders.

- Identify those who will be affected by the project and how they will be affected.
- Identify those who will participate in the project and their roles.

vi. Resources.

- Identify any personnel and/or contractors to be involved in the project, including their role and qualifications. Description should include any relevant training or experience. For example, if the project includes sampling and writing of a Sampling and Analysis Plan, describe any experience the person(s) has in writing a Sampling and Analysis Plan, in conducting soil or water sampling, etc.
- Identify existing resources/information that will be used in conducting project.
- Identify any additional resources (including but not limited to training) that will be required for project.
- Describe any EPA training or assistance that will be required for Tribal personnel who will be working on the project. Such training may include the development of outreach material or a Sampling Analysis Plan, etc.

vii. Infrastructure and coordination.

- Identify coordination efforts required to conduct project, within or outside Tribe.
- Identify ways in which this project will improve or build Tribal capacity.
- Identify any assistance you may require in coordinating with other Federal, State or local agencies.

2. *Draft workplan (1-2 pages).* The submitted draft workplan should outline:

i. Deliverables.

ii. The separate phases of the project.

iiii. The tasks associated with each phase of the project.

iv. The time frames for completion of each phase or task.

v. The name, title of the person(s) who will conduct each phase or task.

vi. The dates when progress reports will be provided to EPA, clearly showing deliverables, accomplishments, delays and/or obstacles. Project costs cannot be incurred until a final workplan has been approved by the appropriate EPA regional office.

3. *Estimated budget.* The estimated budget should outline costs for personnel, fringe benefits, travel, equipment, supplies, contractual, indirect cost rate, or any other costs associated with the proposed project.

4. *Letter or resolution from Tribal Council or Chairperson showing support for and commitment to the project.* (If it is not possible to obtain a letter/resolution from the Tribal council or chairperson to submit with your project proposal, an interim letter of explanation must be included with the proposal. The original letter/resolution will still be required prior to project award.)

5. *Letter of confirmation for any other funds needed to complete project.* If your proposal requires the use of additional funds for leveraging, please include a letter from the funding source confirming that these monies are available for the project. If the budget includes a Tribal in-kind contribution, a letter of confirmation is not needed.

6. *Confidential business information.* Applicants must clearly mark information considered confidential business information. EPA will make a final confidentiality determination for information the applicant claims as confidential business information in accordance with Agency regulations at 40 CFR part 2, subpart B.

B. When and Where Must Project Proposals be Submitted?

The applicant may submit a project proposal to the appropriate EPA Regional contact by mail, fax, or electronically. The proposal must be received by the EPA Regional contact listed in Unit I.C. no later than close of business May 15, 2002. If the project proposal is submitted by fax or electronically by May 15, 2002, the EPA Regional contact must receive an original copy of the proposal by mail as soon as possible thereafter. Incomplete or late proposals will be disqualified for funding consideration.

III. Process For Awarding Cooperative Agreements

A. How Will Project Proposals be Reviewed and Selected?

Tribal project proposals will be reviewed and approved for validity and completeness by each respective region and then forwarded, along with regional comments, to an OPP review team. The team will consult with regional staff regarding their comments as necessary. If there is money left over after the selection process is completed, the review team will discuss and determine the allocation of the money. Selections will be made by close of business June 15, 2002. EPA reserves the right to reject all applications or initial/final proposals and make no awards. All costs charged to these awards must be allowable under OMB circular A-87.

B. How will Applicants be Notified?

Regions will notify their respective applicants of the selections. Those applicants not awarded funds may request an explanation from EPA regional staff.

IV. Criteria For Awarding Project Cooperative Agreements

Criteria on which the project proposals will be ranked are listed below. Applicants must submit information specified in this solicitation to address the award criteria. Applicants must also provide information specified in this solicitation that will assist both a Tribe and EPA in assessing the Tribe's capacity to do the project work outlined in the project proposal. The workplan and budget should reflect the training and the work that can realistically be accomplished.

Selection criteria: Total possible points: 80

Environmental issues addressed. Does the project proposal identify the environmental and human health benefits associated with the activity? What are the quality of life issues (benefits) gained by the project? [0 to 20 points]

Deliverables/outcome. What are the deliverables expected from this project? What is the environmental outcome of the project? Does the project have limited or broad application to address risks related to pesticides? Does the project proposal clearly state what it expects to achieve or deliver? [0 to 10 points]

Past performance. If the Tribe has received project funding from EPA in the past, was the outcome/deliverable(s) of the project a success? If the project is still ongoing, was progress made? [0 to 10 points]

Impact assessment/indicators. How does the project propose to quantify and measure its success? How will you evaluate the success of the project in terms of measurable environmental results? [0 to 10 points]

Resources and time frame required for project. Can the project be accomplished with available or existing resources (Tribal or Non-tribal) and within the identified time frame? [0 to 10 points]

Tribal project contact(s). Does the person(s) designated to lead the project have technical expertise and experience? If the project contact(s) assigned to this project do not have relevant training or experience, how will the training necessary to ensure successful completion of the project be obtained? [0 to 5 points]

Major participants/external stakeholders. Has the Tribe identified the need for other parties (Tribal or Non-tribal) who will be involved or who will participate in the project? Who will be affected by the outcome of the project? [0 to 5 points]

Coordination/capacity building. Does the applicant understand/acknowledge the need for coordination between Tribal departments and with outside communities, Federal, State or local government? Will the project help build Tribal infrastructure or capacity? [0 to 5 points]

Transferability. Can the project results be incorporated into the Tribe's pesticide program (if the Tribe has one) or future activities? Can any of the deliverables, experiences, products, or outcomes gained as a result of the project be transferred to other communities? Could this project be implemented by another Tribe? [0 to 5 points]

V. Post Selection Activity

Selected applicants must formally apply for funds through the appropriate EPA regional office. In addition, selected applicants must negotiate a final workplan, including reporting requirements, with the designated EPA regional project officer. For more general information on post award requirements and the evaluation of grantee performance, see 40 CFR part 31.

VI. What Action is the Agency Taking?

The Office of Pesticide Programs, in coordination with the EPA regions, is soliciting Tribal pesticide projects for FY 2002 funding. The total amount of funding available in FY 2002 to be awarded to Tribal governments and/or intertribal consortium for pesticide projects is $445,500.

VII. Statutory Authority and Regulations

Sections 23(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorize EPA to enter into cooperative agreements with States and Indian Tribes to implement pesticide enforcement programs. Pursuant to the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act for FY 1999, pesticide program implementation grants under section 23(a)(1) of FIFRA are available for ''pesticide program development and implementation, including enforcement and compliance activities.''

The award and administration of these grants will be governed by the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments set forth at 40 CFR part 31. Grants awarded pursuant to this solicitation are program grants subject to the regulations for ''Environmental Program Grants for Tribes'' set forth at 40 CFR part 35, subpart B.

VIII. Catalogue of Federal Domestic Assistance

The number assigned to this grant in the Catalogue of Domestic Assistance is 66.500.

IX. Submission to Congress and the Comptroller General

Grant solicitations such as this are considered rules for the purpose of the Congressional Review Act (CRA). The CRA, 5 U.S.C. 801 *et seq*., as added by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 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).

List of Subjects

Environmental protection.

Dated: March 1, 2002.

Kennan Garvey,

Acting Director, Field and External Affairs Division, Office of Pesticide Programs.

[FR Doc. 02–5448 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–42212F; FRL–6827–9]

Endocrine Disruptor Method Validation Subcommittee Under the National Advisory Council for Environmental Policy and Technology; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a meeting of the Endocrine Disruptor Methods Validation Subcommittee (EDMVS), a subcommittee under the National Advisory Council for Environmental Policy and Technology (NACEPT), a Federal Advisory Committee, on March 25th - 27th, 2002. The EDMVS will provide technical advice on screening and testing methods for the Endocrine Disruptor Screening Program (EDSP). The upcoming meeting, as with all EDMVS meetings, is open to the public. Seating is on a first-come basis. Individuals requiring special accommodations at this meeting, including wheelchair access, should contact Jane Smith at the address listed under **FOR FURTHER INFORMATION CONTACT** at least 5 business days prior to the meeting, so appropriate arrangements can be made.

DATES: The meeting will be held on March 25, 2002, from 1 p.m. to 5:45 p.m., March 26 from, 9 a.m. to 4:15 p.m., and March 27 from, 9 a.m. to 12:15 p.m.

Requests to participate in the meeting must be received on or before March 20, 2002.

ADDRESSES: The meeting will be held at RESOLVE, 1255 23rd St., NW, Suite 275, Washington, DC. The telephone number for RESOLVE is (202) 944–2300.

Requests to participate in the meeting may be submitted by electronic mail, telephone, or in person. Please follow the detailed instructions for each method as provided in Unit III. under **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your request must identify docket control number OPPT–42212F in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Jane Smith, Designated Federal Official, Office of Science Coordination and Policy, Mail Code 7201M, Environmental Protection Agency, 1200 Pennsylvania Ave., NW.,Washington, DC 20460; telephone number: (202) 564–8476; fax number: (202) 564–8483; e-mail address: smith.jane-scott@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest if you produce, manufacture, use, consume, work with, or import pesticides chemicals, substances that may have an effect cumulative to an effect of a pesticide, or substances found in sources of drinking water. To determine whether you or your business may have an interest in this notice you should carefully examine section 408(p) of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (Public Law 104–170), 21 U.S.C. 346A(p) and amendments to the Safe Drinking Water Act (Public Law 104–182), 42 U.S.C. 300j–17. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

II. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. A list of EDMVS members and information from previous meetings is available electronically, from the EPA Internet Home Page at http://www.epa.gov/scipoly/oscpendo. To access this document, on the EPA Home Page search for ''Endocrine,'' which will take you to the EDSP web site. You can also go directly to the **Federal Register** listing at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an administrative record for this meeting under docket control number OPPT–42212F. The administrative record consists of the documents specifically referenced in this notice, any public comments received during an applicable comment period, and other information related to Endocrine Disruptor Method Validation, including any information claimed as Confidential Business Information (CBI). The public version of the administrative record is available for inspection in the TSCA Nonconfidential Information Center, North East Mall, Rm B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open form noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260–7099.

III. How Can I Request to Participate in this Meeting?

You may submit a request to participate in the meeting by electronic mail, telephone, by fax, or in person. We would normally accept requests by mail, but in this time of delays in delivery of government mail due to health and security concerns, we cannot assure your request would arrive in a timely manner. Do not submit any information in your request that is considered CBI. Your request must be received by EPA on or before March 20, 2002. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPT–42212F, in the subject line on the first page of your request.

1. *Electronically*. You may submit your request electronically by e-mail to oppt-nicic@epa.gov. Do not submit any information electronically that you consider to be CBI. Use WordPerfect 6.1/8.0 or ASCII file format and avoid the use of special characters and any form of encryption. Be sure to identify by docket control number OPPT–42212F. You may also file a request online at many Federal Depository Libraries.

2. *In person or by courier*. You may deliver a request to: OPPT Docket Control Office, North East Mall, Rm B–607, Waterside Mall, 401M St., SW., Washington, DC. The docket office is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Office is (202) 260–7099.

3. *Fax*. You may fax your request to: Jane Smith, Designated Federal Official, list under **FOR FURTHER INFORMATION CONTACT.**

IV. Background

In 1996, through enactment of the Food Quality Protection Act, which amended the FFDCA, Congress directed EPA to develop a screening program, using appropriate validated test systems and other scientifically relevant information, to determine whether certain substances may have hormonal effects in humans. In 1996, EPA chartered a scientific advisory committee, the Endocrine Disruptor Screening and Testing Advisory Committee (EDSTAC), under the authority of the Federal Advisory Committee Act (FACA) to advise it on establishing a program to carry out Congress' directive. EDSTAC recommended a multi-step approach including a series of screens (Tier 1 Screens) and tests (Tier 2 tests) for determining whether a chemical substance may have an effect similar to that produced by naturally occurring hormones. EPA adopted almost all of EDSTAC's recommendations in the Program that it developed, the Endocrine Disruptor Screening Program (EDSP), to carry out Congress' directive.

EDSTAC also recognized that there currently are no validated test systems for determining whether a chemical may have an effect in humans that is similar to an effect produced by naturally occurring hormones. Consequently, EPA is in the process of developing and validating the screens and tests that EDSTAC recommended for inclusion in the EDSP. In carrying out this validation exercise, EPA is working closely with, and adhering to the principles of the Interagency Coordinating Committee for the Validation of Alternate Methods (ICCVAM). EPA also is working closely with the Organization for Economic Cooperation and Development's Endocine Testing and Assessment Task Force to validate and harmonize endocrine screening tests of international interest.

Finally, to ensure that EPA has the best and most up-to-date advice available regarding the validation of the screens and tests in the EDSP, EPA recently chartered the EDMVS of the NACEPT. The EDMVS provides independent advice and counsel to the Agency through NACEPT, on scientific and technical issues related to validation of the EDSP Tier I screens and Tier II tests, including advice on methods for reducing animal use, refining procedures involving animals to make them less stressful, and replacing animals where scientifically appropriate.

The EDMVS has met twice since its establishment in September 2001. The

objectives of the October 2001 meeting (docket control number 42212D) were for EPA to provide:

• An overview of EPA's Endocrine Disruptor Program.

• Background information on test protocol validation and approaches.

• For the EDMVS to develop a clear understanding of their scope, purpose and operating procedures.

• For the EDMVS and the EDSP to determine the next steps.

The objectives of the December 2001 meeting (docket control number 42212E) were for the EDMVS to provide input and advice on:

• The EDMVS's mission statement and work plan.

• The *in utero* through lactation assay detailed review paper.

• The pubertal assay study design for the multi-dose and chemical array protocols.

• The mammalian one-generation study design.

A list of the EDMVS members and meeting materials are available on our web site, (http://www.epa.gov/scipoly/oscpendo/edmvs.htm), and in the public docket.

V. Meeting Objectives for the March 2002 Meeting

The objectives of the March meeting are for the EDMVS to provide input and advice on:

• EDSP's implementation process and practical aspects of validation.

• The *in utero* through lactation assay protocol.

• The fish reproduction assay detailed review paper.

• Special studies on fathead minnow assays, vitellogenin assay, and avian dosing protocol.

• The aromatase detailed review paper.

• A proposed standard suite of chemicals for testing in the Tier 1 screening assay.

Time for public comment has been reserved on March 25th and 26th just prior to meeting adjournment for the day.

List of Subjects

Environmental protection, Endocrine disruptor screening program, Endocrine disruptors.

Dated: March 4, 2002.

Andy Privee,

Acting Director, Office of Science Coordination and Policy, Office of Prevention, Pesticides and Toxic Substances.

[FR Doc. 02–5736 Filed 3–6–02; 2:21 pm]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–30521; FRL–6824–3]

Pesticide Product; Registration Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application to register a pesticide product containing a new active ingredient not included in any previously registered product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Written comments, identified by the docket control number OPP–30521, must be received on or before April 8, 2002.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–30521 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Barbara Mandula, Regulatory Action Leader, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–7378; and e-mail address: mandula.barbara@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number OPP–30521. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed asconfidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–30521 in the

subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–30521. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the registration activity.

7. Make sure to submit your comments by the deadline in this notice.

8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Registration Applications

EPA received an application as follows to register a pesticide product containing an active ingredient not included in any previously registered product pursuant to the provision of section 3(c)(4) of FIFRA. Notice of receipt of this application does not imply a decision by the Agency on the application.

Product Containing an Active Ingredient not Included in any Previously Registered Product

File Symbol: 73417–R. *Applicant*: Greenville Farms, 6189 N. 1200 E., Logan, UT 84341. *Product Name*: Woad Warrior. Fungal Herbicide. *Active ingredients*: *Puccinia thlaspeos* ''woad strain'' on rust-infected pieces of dyer's woad at 100% and contains at least 7.6 x 10^9 teliospores/pound of Woad Warrior. *Proposed Classification/Use*: None. For control of *Isatis tinctoria* (dyer's woad).

List of Subjects

Environmental protection, Pesticides and pest.

Dated: February 25, 2002.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 02–5444 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00761; FRL–6825–5]

Reclassification of Certain Inert Ingredients and Rhodamine B

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA intends to reclassify eight inert ingredients from List 2, ''Potentially Toxic Inerts/High Priority for Testing'' to List 1 ''Inerts of Toxicological Concern.'' These eight inert ingredients have been determined to be animal carcinogens, thus meeting one of the criteria for reclassification. EPA also intends to reclassify the inert ingredient, Rhodamine B, from List 1 to List 4B, ''inerts for which EPA has sufficient information to reasonably conclude that the current use pattern in pesticide products will not adversely affect public health or the environment.'' This reclassification is based on the Agency's determination that Rhodamine B when used as a dye in seed treatment is not likely to result in residues in food or feed; thus, meeting the criteria of List 4B.

DATES: Comments, identified by docket control number OPP–00761, must be received on or before May 7, 2002.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. under **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00761 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Kathryn Boyle, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–6304; fax number: (703) 305–0599; e-mail address: boyle.kathryn@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to ''those persons who use pesticide products and those who formulate pesticide products and therefore are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide

Act (FIFRA).'' Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

The Agency has established an official record for this action under docket control number OPP–00761. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00761 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–00761. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the notice or collection activity.

7. Make sure to submit your comments by the deadline in this notice.

8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Reclassification of Eight Inert Ingredients from List 2 to List 1

A. Background

On April 22, 1987 (52 FR 13305), EPA announced certain policies designed to reduce the potential for adverse effects from the use of pesticide products containing toxic inert ingredients. In developing the policy, the Agency reviewed the available data on chemicals used as inert ingredients, and concluded that some inert ingredients had potentially significant long-term health and environmental hazards associated with their use in pesticide products. The 1987 Notice categorized all of the then existing inert ingredients into four lists, according to the available information regarding toxicity, i.e., the hazard of the chemical. List 1 inert ingredients, described as ''inerts of toxicological concern'' were so categorized on the basis of toxicological or adverse ecological effects which had been documented in studies subject to peer review. The Agency's criteria for placing an inert ingredient on List 1 were reviewed by the FIFRA Scientific Advisory Panel (SAP).

One of the criteria for being considered a List 1 inert ingredient is to be ''...characterized by the National Toxicology Program (NTP) as an animal carcinogen in at least one species and one sex.'' (Inert ingredients in Pesticide Products; Policy Statement; Revision and Modification of Lists at http://www.epa.gov/opprd001/inerts/fr54.htm). NTP Technical Reports describe the results of individual experiments on a chemical agent and note the strength of evidence for conclusions regarding each study.

In their technical reports, NTP uses five categories of evidence of carcinogenic activity to summarize the strength of the evidence observed in

each experiment. These categories (''no evidence,'' ''equivocal evidence,'' ''some evidence,'' ''clear evidence,'' and ''inadequate study'') have been used by NTP since the 1980s. Two of the categories are for positive results, which demonstrate that a chemical is carcinogenic for laboratory animals under the conditions of the study and indicate that exposure to the chemical has the potential for hazard to humans. ''Clear evidence'' of carcinogenic activity is demonstrated by studies that are interpreted as showing a dose-related increase of malignant neoplasms or of a combination of malignant and benign neoplasms, or a marked increase of benign neoplasms if there is an indication from this or other studies of the ability of such tumors to progress to malignancy. ''Some evidence'' of carcinogenicity is demonstrated by studies that are interpreted as showing a chemically-related increased incidence of neoplasms (malignant, benign, or combined) in which the strength of the response is less than that required for clear evidence.

B. NTP Technical Reports for the Eight Inert Ingredients

For the purpose of reclassifying a List 2 inert ingredient to a List 1 inert ingredient the two categories (described above) for positive results (''clear evidence'' and ''some evidence,'') meet the List 1 placement criteria of being characterized by NTP as an animal carcinogen in at least one species and one sex. The data in the NTP Technical Reports as described in the table and summaries below fully support a reclassification to List 1 for the following inert ingredients. The complete reports are available at http://ntp-server.niehs.nih.gov/.

NTP Report Number	Category	Inert Ingredient	CAS Reg. No.
TR–424	Some evidence	2-Benzyl-4-chlorophenol	120–32–1
TR–484	Some evidence	2-Butoxyethanol (ethylene glycol monobutyl ether)	111–76–2
TR–213 TR–458	Some evidence	Butyl benzyl Phthalate	85–68–7
TR–478	Clear evidence	Diethanolamine	11–42–2
TR–466	Clear evidence Some evidence	Ethylbenzene	100–41–l4
TR–329	Clear evidence	1,2-Epoxybutane(butylene oxide)	106–88–7
TR–332	Some evidence	2-Mercaptobenzothiazole	149–30–4
TR–461	Clear evidence	Nitromethane	75–52–5

1. *2-Benzyl-4-chlorophenol*. There were two chronic toxicity/carcinogenicity gavage studies performed on 2-benzyl-4-chlorophenol, which is also known as o-benzyl-p-chlorophenol. Under the conditions of the 2–year rat study, there was no evidence of carcinogenic activity in male rats and there was equivocal evidence of carcinogenic activity in female rats based on the occurrence of two rare renal transitional cell carcinomas. Under the conditions of the 2–year study, in mice there was some evidence of carcinogenic activity in male mice based on increased incidences of renal tubule ademona and renal tubule adenoma or carcinoma (combined) and there was no evidence of carcinogenic activity in female mice.

2. *Butyl benzyl phthalate*. There was a 2–year chronic toxicity/carcinogenicity study in rats performed using butyl benzyl phthalate. As evaluated in 1997, under the conditions of this study, there was some evidence of carcinogenic activity in male rats based on increased incidences of pancreatic acinar cell adenoma and of acinar cell adenoma or carcinoma (combined) and there was equivocal evidence of carcinogenic activity in females rats based on the marginally increased incidences of pancreatic acinar cell adenoma and of transitional epithelial papilloma of the urinary bladder. Results of mutagenicity testing, a mouse bone marrow sister chromatic exchange test were positive at sample times of 23 and 42 hours. Chromosomal aberrations were induced in bone marrow cells of male mice sampled 17 hours after intraperitoneal injection of butyl benzyl phthalate.

3. *2-Butoxyethanol*. There were two inhalation chronic toxicity/carcinogenicity studies performed on 2-butoxyethanol. Under the conditions of these studies, there was no evidence of carcinogenic activity in male rats. There was equivocal evidence of carcinogenic activity in female rats based on the increased combined incidences of benign or malignant pheochromocytoma (mainly benign) of the adrenal medulla. There was some evidence of carcinogenic activity in male mice based on increased incidences of hemangiosarcoma of the liver. There was some evidence of carcinogenic activity in female mice based on increased incidences of fore stomach squamous cell papilloma or carcinoma (mainly papilloma).

2-Butoxyethanol has also been reviewed by a team of Agency health scientists. The results of this recent review on (December 31, 1999) can be located on the Agency's website at http://www.epa.gov/ngispgm3/iris/subst/0500.htm. In accordance with the 1996 proposed Guidelines for Carcinogen Risk Assessment, 2-butoxyethanol has been classified as a chemical whose carcinogenic potential for humans cannot be determined, but for which there is suggestive evidence that raises concern for carcinogenic effects. This classification was based on the reviews of the NTP studies, the fact that 2-butoxyethanol is generally negative in genotoxicity tests and the uncertainty of the relevance of these tumors to humans. Thus, while 2-butoxyethanol has not been classified as a known/likely human carcinogen, it also cannot be classified as not likely to be a human carcinogen. Indeed, it was clearly stated that there was ''suggestive evidence that raises concern for carcinogenic effects.''

Under the Agency's 1986 Guideline, 2-butoxyethanol would be judged as Group C, possible human carcinogen. Based on the evidence of carcinogenicity in mice,2-butoxyethanol meets the criteria for inclusion on List 1 of being an animal carcinogen in at least one species and one sex.

4. *Diethanolamine*. There were two dermal chronic toxicity/carcinogenicity studies performed on diethanolamine. Under the conditions of these 2–year studies, there was no evidence of carcinogenic activity of diethanolamine in male or female rats. There was clear evidence of carcinogenic activity of diethanolamine in male and female mice based on increased incidences of liver neoplasms in males and females and increased incidences of renal tubule neoplasms in males.

5. *Ethylbenzene*. There were two inhalation chronic toxicity/carcinogenicity studies performed on ethylbenzene. Under the conditions of the 2–year rat study, there was clear evidence of carcinogenic activity in male rats based on increased incidences of renal tubule neoplasms. The incidences of testicular adenomas were also increased. There was some evidence of carcinogenic activity in female rats based on increased incidences of renal tubule adenomas. There was some evidence of carcinogenic activity in male mice based on increased incidences of alveolar/bronchiolar neoplasms and in female mice based on increased incidences of hepatocellular neoplasms.

6. *1,2-Epoxybutane*. There were two inhalation chronic toxicity/carcinogenicity studies performed on 1,2-epoxybutane. Under the conditions of these studies, there was clear evidence of carcinogenic activity in male rats based on an increased incidence of papillary adenomas of the nasal cavity, alveolar/bronchiolar carcinomas, and alveolar/bronchiolar adenomas and carcinomas (combined). There was equivocal evidence of carcinogenic activity for female rats based on papillary adenomas of the nasal cavity. There was no evidence of carcinogenic activity in male or female mice. 1,2-Epoxybutane was mutagenic in *Salmonella typhimurium* strains, induced forward mutations in mouse lymphoma cells, and induced chromosomal aberrations and sister chromatid exchanges in chinese hamster ovary (CHO) cells.

7. *2-Mercaptobenzothiazole*. There were two gavage chronic toxicity/carcinogenicity studies performed on 2-mercaptobenzothiazole. Under the conditions of the studies, there was some evidence of carcinogenic activity in male rats indicated by increased incidences of mononuclear cell leukemia, pancreatic acinar cell adenomas, adrenal gland pheochromocytomas, and preputial gland adenomas or carcinomas (combined), and in female rats, based on increased incidences of adrenal gland pheochromocytomas and pituitary gland adenomas. There was no evidence of carcinogenic activity in male mice. There was equivocal evidence of carcinogenic activity for female mice based on increased incidences of hepatocellular adenomas or carcinomas (combined).

8. *Nitromethane*. There were two inhalation chronic toxicity/carcinogenicity studies performed on nitromethane. Under the conditions of these studies, there was no evidence of carcinogenic activity in male rats. There was clear evidence of carcinogenic activity in female rats based on increased incidences of mammary gland fibroadenomas and carcinomas, in male mice based on increased incidences of harderian gland adenomas and carcinomas, and in female mice based on increased incidences of liver neoplasms (primarily adenomas) and harderian gland adenomas and carcinomas. Increased incidences of alveolar/bronchiolar adenomas and carcinomas in male and female mice exposed to nitromethane were also considered to be related to administration of nitromethane.

C. Future Actions

EPA solicits comments upon the conclusions set forth in this Notice. The Agency will review and evaluate any submitted comments, and will then publish a final Notice in the **Federal Register** to complete the reclassification of these chemicals. After the publication of that Notice, as an immediate step to inform users and the general public of the presence of an inert of toxicological concern, EPA anticipates requiring that the presence of the reclassified List 1 inert ingredient be disclosed on the label. Registrants of a product that contains one or more inert ingredients that are the subject of this notice will receive correspondence from the Agency concerning the procedures for label disclosure.

EPA also anticipates that products containing one or more of these reclassified List 1 inert ingredients will be subject to a Data-Call-In (DCI) Notice. This DCI (expected to be issued in the near future) would require the submission of an extensive data set to support the continued use of these List 1 inert ingredients in pesticide products. The Agency would also provide in the DCI a list of all registrants or designated agents whose products contain one or more of these List 1 inert ingredients, which will allow registrants to form groups for the purposes of data generation and submission.

III. Reclassification of Rhodamine B from List 1 to List 4B

A. Background

The previously described **Federal Register** notice published on April 22, 1987 (52 FR 13305), also established List 4 inert ingredients ''inerts of minimal concern.'' On November 22, 1989 (54 FR 48314), List 4 was further subdivided into List 4A and 4B. List 4B inert ingredients are ''inerts for which EPA has sufficient information to reasonably conclude that the current use pattern in pesticide products will not adversely affect public health or the environment.''

Rhodamine B's current classification as a List 1 inert ingredient is due to its carcinogenicity. A Rhodamine B DCI Notice was issued in February 1993 that required registrants of products containing Rhodamine B to generate additional toxicity data (to further define the hazard) and exposure data to support the continued registration of their products. If submitted, these data would have been used to perform a risk assessment to support all uses of Rhodamine B. However, as a result of the issuance of the DCI, most of the existing uses of Rhodamine B as an inert ingredient were not supported. Registrants of non-seed treatment pesticide products either reformulated their products to use substitutes for Rhodamine B or voluntarily canceled those products containing Rhodamine B rather than generate data to support the use of Rhodamine B as a food-use. However, several registrants wished to retain the use of Rhodamine B as a dye in seed treatment pesticide formulations. They submitted to the Agency a radiolabeled magnitude of the residue study in which Rhodamine B was used to dye seeds that were then planted and grown to harvest.

In the **Federal Register** of August 2, 2001 (66 FR 40170) (FRL–6598–4), EPA issued a proposal pursuant to section 408 of the FFDCA, 21 U.S.C. 346a as amended by the Food Quality Protection Act (FQPA) (Public Law 104–170) to limit the uses of Rhodamine B as a dye in seed treatment only. As explained in the proposed rule, based on its review and evaluation of the submitted data, EPA concluded that use of Rhodamine B as a dye in seed treatment is a non-food use, because the use is not likely to result in residues in food or feed.

Therefore, neither a tolerance nor a tolerance exemption is needed for the use of Rhodamine B as a dye in seed treatment pesticide products.

The final rule was published on December 27, 2001 (66 FR 66769) (FRL–6813–6). The Rhodamine B use pattern is now limited to use as a dye in seed treatment, and for a period of 3 years Rhodamine B can also be used as a dye in animal ear tag pesticide products. This 3–year time frame is needed to allow those pesticide ear tag products containing Rhodamine B to clear the channels of trade.

B. Future Actions

Rhodamine B's classification as a carcinogen remains unchanged. However, the Agency no longer considers List 1 classification for Rhodamine B for its use as a dye in seed treatment pesticide products to be appropriate. List 1 classifications are made according to hazard criteria only. However, the December 27, 2001 **Federal Register** limited the use of Rhodamine B to a specified use pattern. A List 4B inert ingredient is considered to be an inert ingredient for which the available toxicity (hazard) information when paired with the available exposure information indicates no reasonable expectation of adverse effects. Rhodamine B now meets the definition of a List 4B, and will be reclassified as such.

Those persons desiring to register products containing Rhodamine B as an inert ingredient for any uses other than as a dye in seed treatment would need to submit an extensive data set similar to that required in the 1993 Rhodamine B DCI. These data would be used by the Agency in a risk assessment on the proposed use. If, the risk assessment supports the required safety finding, then the use would be approved.

List of Subjects

Environmental protection, pesticides and pests.

Dated: February 26, 2002.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 02–5445 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[PF–1072; FRL–6825–8]

Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket control number PF–1072, must be received on or before April 8, 2002.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1072 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Tompkins, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–5697; e-mail address: tompkins.jim@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to, the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number PF–1072. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as, the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1072 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division

(7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters, and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number PF–1072. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Make sure to submit your comments by the deadline in this notice.

7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 21, 2002.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner summary of the pesticide petition is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by E. I. du Pont Nemours and Company, and represents the view of the E. I. du Pont Nemours Company. EPA is publishing the petition summary verbatim without editing it in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

E. I. du Pont Nemours and Company

PP 0F6120

EPA has received a pesticide petition (0F6120) from E. I. du Pont de Nemours and Company, DuPont Agricultural Products, Barley Mill Plaza, Wilmington, DE 19880–0038 proposing, pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of the herbicide chlorsulfuron: 2-Chloro-N-[(4-methoxy-6-methyl-1,3,5-triazin-2-yl) aminocarbonyl] benzenesulfonamide in or on the raw agricultural commodities grass forage at 11 parts per million (ppm) and grass hay at 19 ppm. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time, or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism.* The qualitative nature of residue in plants is adequately understood. Metabolism studies have been conducted in both wheat and barley and the metabolic profiles are consistent. In wheat, ^{14}C-triazine chlorsulfuron and ^{14}C-phenyl chlorsulfuron were applied foliarly to the field plots at the rates of 0.25 ounce active indregient/acre (oz ai/A) and 1.5 oz ai/A. Samples of wheat were harvested on the day of application (forage), 7 days later (late forage), and 19 days later (hay). At maturity, 82 days after treatment, the grain heads and straw were harvested. Chlorsulfuron showed systemic absorption and translocation. The deposited radioactivity on surfaces is small. Combustion analysis of the 0–day, 7–day, and 19–day 1x treatment resulted in total radioactive residue (TRRs) of approximately 1.155 ppm, 0.065 ppm, and 0.017 ppm ^{14}C-triazine chlorsulfuron equivalent, and 1.168 ppm, 0.102 ppm, and 0.024 ppm ^{14}C-phenyl chlorsulfuron equivalent, respectively. TRRs for the samples taken at maturity were 0.003 ppm for the straw, and at or below the limit of detection (0.001 ppm) for the grain. The primary metabolic pathway of chlorsulfuron in plants, involved hydroxylation of the intact parent molecule to yield 5-hydroxy chlorsulfuron, which subsequently underwent glucoside conjugation. The glucose conjugate of 5-hydroxy chlorsulfuron accounts for 49.5% and 25.6% TRR (0.032 and 0.004 ppm) in

wheat 7 and 19 days after ^{14}C-triazine chlorsulfuron treatment; and for 30.3% and 24.6% TRR (0.031 ppm and 0.006 ppm) 7 and 19 days after ^{14}C-phenyl chlorsulfuron treatment. In the 19–day triazine and phenyl labeled samples, 5-hydroxy chlorsulfuron was present at 0.001 ppm. After glucoside conjugation, the cleavage of the sulfonylurea linkage occurs to yield the corresponding sulfonamide conjugate and triazine. ^{14}C-triazine chlorsulfuron treated wheat contains 6.5% TRR (0.004 ppm) triazine amine in the 7–day sample. The glucose conjugate of 5-hydroxy chlorsulfonamide accounts for 8.6% TRR (0.009 ppm) in the 7–day sample and 10.4% TRR (0.002 ppm) in the 19–day sample from ^{14}C-phenyl chlorsulfuron treated wheat.

2. *Analytical method.* The analytical enforcement method exists for the determination of chlorsulfuron in cereal forage, hay, grain and straw and grass forage and hay. Samples are extracted in aqueous solution, acidified, purified and concentrated by reversed-phase solid-phase extraction. Extracts are analyzed by liquid chromatography/mass spectrometry employing electrospray ionization (ESI-LC/MS).

3. *Magnitude of residues.* It has been determined that the residue to be regulated is parent chlorsulfuron only. A study was conducted to determine the magnitude of residues of chlorsulfuron and its metabolite, 5-hydroxy chlorsulfuron in wheat forage, grain and straw following application of Glean FC herbicide, at the maximum label rate. Chlorsulfuron residues in wheat grain and straw were below 0.05 ppm, the limit of quantitation (LOQ) at all sites. Chlorsulfuron residues in wheat forage were below 0.05 ppm in all sites (PHI of 19 to 35 days) except one which had a residue level range of 0.31–0.60 ppm (PHI of 1 day).

Another study was conducted to determine the magnitude of residues of chlorsulfuron in wheat forage and hay at a 0 day PHI following application of chlorsulfuron at 0.5 oz a.i./A. The residues for wheat forage ranged between 0.66 and 5.0 ppm. The residues for wheat hay ranged between 0.56 and 12 ppm.

An additional study determined the magnitude and decline of residues of chlorsulfuron in pasture grass forage and hay following application of chlorsulfuron at 1.0 oz a.i./A. The application was made with the shortest time to harvest allowed by the label (0 day PHI). Applications were made, when the grass was at a forageable stage of growth. At a 0 day PHI, the residue levels in the grass forage were between 1.2 and 11 ppm. The residue levels in the grass hay at 0–day PHI were between 1.0 and 19 ppm.

In a greenhouse rotational crop study, wheat, sugar beets and rape plants were grown on soil, which had been treated with ^{14}C-chlorsulfuron at 1.0 oz/A and field-aged for periods of 4 and 12 months. In all crops planted 4 months following chlorsulfuron treatment, intact ^{14}C-chlorsulfuron, if present at all, was less than 0.2 parts per billion (ppb).

B. Toxicological Profile

1. *Acute toxicity.* Based on EPA criteria, technical chlorsulfuron is in toxicity Category IV for oral and inhalation routes of exposure, and for dermal irritation. Chlorsulfuron is in toxicity Category III for eye irritation, and the dermal route of exposure. It is not a skin sensitizer.

Acute oral toxicity in rats: LD_{50} = 5,545 milligrams/kilogram (mg/kg) (M), 6,293 mg/kg (F) mg/kg (F)

Acute dermal toxicity in rabbits: LD_{50} > 3,400 mg/kg

Acute inhalation toxicity in rats: LC_{50} > 5.9 mg/L

Primary eye irritation in rabbits: Moderate effects reversed within 72 hours

Primary dermal irritation in rabbits: non-irritant

2. *Genotoxicty.* Technical chlorsulfuron has shown no genotoxic or mutagenic activity in the following *in vitro* and *in vivo* tests:

In vitro Mutagenicity Ames Assay: Negative

In vitro Mutagenicity CHO/HPRT Assay: Negative

In vitro Cytogenetic Study: Negative

In vitro DNA Repair Study: Negative

In vitro UDS: Negative

In vivo Dominant Lethal Mutagenicity: Negative

3. *Reproductive and developmental toxicity.* In a multigeneration reproduction study in rats fed 0, 100, 500, or 2,500 ppm chlorsulfuron, the only observed effect on reproduction endpoints was slightly decreased fertility indices in rats from the 2,500 ppm group. Mean number of pups per litter, gestation, lactation, and viability indices, litter survival, and mean weanling body weights and weight gains were not adversely influenced by chlorsulfuron. No gross or histopathological abnormalities were observed in weanling rats. The no observed adverse effect level (NOAEL) based on decreased fertility indices was 500 ppm. The NOAEL based on systemic toxicity was 100 ppm.

In studies conducted to evaluate potential developmental toxicity, chlorsulfuron was neither teratogenic nor uniquely toxic to the conceptus (i.e., not considered a developmental toxin). In the rat study, chlorsulfuron was administered by gavage to rats on days 7–16 of gestation at daily dose levels of 0, 55, 165, 500, or 1,500 mg/kg. There was evidence of maternal toxicity (spontaneous death, weight loss, reductions of feed consumption) at the two highest dose levels. The remaining groups showed no evidence of any effects on maternal body weights, feed consumption or clinical signs. No effects were seen in any experimental group on mean nidations, live fetuses per litter, *in utero* survival or on mean corpora lutea counts. Fetal toxicity was evident as a depression in fetal weights only at the highest dose tested (HDT). Treatment with chlorsulfuron did not result in any significant increase in fetal alterations (malformations or variations). Maternal toxicity was observed at daily dose levels greater than or equal to 500 mg/kg. Fetal toxicity was seen only at a level of 1,500 mg/kg, a maternally toxic dose. The NOAEL was 165 mg/kg/day for the dam and 500 mg/kg/day for the conceptus. In the rabbit developmental toxicity study, chlorsulfuron was administered by gavage to rabbits on days 7–19 of gestation at daily dose levels of 0, 25, 75, 200, or 400 mg/kg. Since no overt maternal or fetal toxicity was evident, a supplementary study was conducted in which chlorsulfuron was administered at daily dose levels of 0, 400, and 1,000 mg/kg. Maternal toxicity, evident at the highest level, 1,000 mg/kg/day, consisted of a significant incidence of mortality and abortions; a significant increase in the incidence of females with clinical signs and significantly decreased mean maternal body weight changes. In addition, mean maternal weight gains for days 7–29 were also significantly reduced. At 400 mg/kg/day, the only evidence of maternal toxicity was a significant reduction in mean maternal adjusted body weight gains on days 7–29. No other maternal toxic effects were seen at any dose level. There was no evidence of fetal toxicity seen in either study. Therefore, under the conditions of these studies, the NOAEL was 200 mg/kg/day for the dam and > 1,000 mg/kg/day for the conceptus.

4. *Subchronic toxicity.* In a ten-dose oral subacute test, chlorsulfuron was administered orally to male rats at a repeated dose level of 2,200 mg/kg/day for 10 days over a 2–week period. No test compound-related gross or histologic changes were observed.

The rat was the most sensitive species to subchronic exposure of chlorsulfuron. Male and female rats were fed diets for 98 days that contained

0, 100, 500, or 2,500 ppm chlorsulfuron. Male rats fed diets at 500 or 2,500 ppm exhibited decreased urine pH and decreased plasma creatinine. Rats in the 500 and 2,500 ppm groups also exhibited decreased monocyte counts. These findings show that the NOAEL for chlorsulfuron was 100 ppm for male and female rats (98–day dietary). In the mouse study, groups of male and female mice were fed chlorsulfuron at levels of 0, 500, 2,500, 5,000, or 7,500 ppm. No meaningful differences in weight gain, food consumption, or food efficiency existed between control and treated mice fed chlorsulfuron. Male mice fed 5,000 or 7,500 ppm had lower erythrocyte count and higher mean corpuscular volumes and mean corpuscular hemoglobin values than control males. Female mice fed 5,000 or 7,500 ppm, had fewer neutrophilic granulocytes and more lymphocytes than control females. No hematologic effects were seen in mice fed 500 or 2,500 ppm chlorsulfuron. Gross pathologic findings in mice at all feeding levels and microscopic findings in mice fed 7,500 ppm were considered to be spontaneous or the result of intercurrent disease. No effects attributable to the feeding of chlorsulfuron were observed in mice fed 500 or 2,500 ppm chlorsulfuron. Therefore, the NOAEL for male and female mice is 2,500 ppm (90–day dietary).

5. *Chronic toxicity.* In a long-term feeding study with chlorsulfuron, male and female mice were fed diets of 0, 100, 500, or 5,000 ppm chlorsulfuron. Mean body weights and weight gains of mice in the 5,000 ppm treatment groups were decreased when compared to those of their respective control groups. The NOAEL for chronic (2–year dietary) exposure of chlorsulfuron in mice was 500 ppm for male and female mice. No behavioral, clinical, hematological, gross pathological or histological abnormalities were observed, that could be related to the dietary administration of chlorsulfuron. Chlorsulfuron was not oncogenic when administered to male and female mice for 2 years at levels of 100, 500, or 5,000 ppm. In a long-term feeding study, male and female rats were fed diets containing 0, 100, 500, or 2,500 ppm chlorsulfuron. Mild to moderate reduction in mean body weights and weight gains in male rats from the 500 and 2,500 ppm treatment groups was observed. No other behavioral, nutritional, clinical, or hematological abnormalities that could be attributed to chlorsulfuron treatment were observed during the feeding study. The NOAEL (2–year dietary) in male and female rats was 100 ppm (5 mg/kg). Chlorsulfuron was not an oncogen in rats.

In a 1–year chronic study with dogs, male and female dogs were fed dietary levels of 0, 100, 2,000, or 7,500 ppm chlorsulfuron. There were slight body weight decreases and hematological changes in females in the 7,500 ppm treatment group. Therefore, the NOAEL (1–year dietary) is 2,000 ppm.

6. *Animal metabolism.* Due to its rapid elimination, metabolism of chlorsulfuron in animals is minimal. O-Demethylation and cleavage of the sulfonylurea linkage were observed.

Rats were dosed with ^{14}C-phenyl labeled chlorsulfuron. Chlorsulfuron and its metabolites were excreted rapidly from the rats. An average of 85% of the recovered radioactivity was excreted in the urine and 12% in the feces. Less than 1% of any of the various doses was retained in the body organs. Most (85%) of the excreted radioactivity was present, as intact chlorsulfuron with minor amounts of 2-chlorobenzene-sulfonamide and two polar metabolites.

Results from a metabolism study with two radioactive forms of chlorsulfuron (^{14}C-triazine and ^{14}C-phenyl) in lactating goats show that chlorsulfuron is readily excreted unchanged in urine and feces of the goat. The target dose for each test goat was 45 mg/goat/day, which is equivalent to a daily dietary intake of 25 ppm, assuming daily food consumption of 1.8 kg. The results of this study indicate that chlorsulfuron is readily excreted unchanged in urine and feces of the goat. A majority of the cumulative dose was excreted in the urine (69–75%) and feces (5.9–7.6%).

Additional radioactivity was recovered in the cage wash and accounted for 3.8–6.7% of the dose. O-desmethylchlorsulfuron was identified in the feces indicating there is O-dealkylation of chlorsulfuron most likely by gut microflora. The appearance of 4-methoxy-6-methyl-1,3,5-triazin-2-amine and 2-chlorobenzenesulfonamide indicates hydrolysis of the amide linkage in the sulfonylurea bridge. Neither of these metabolites was present in the urine or feces, suggesting they are further metabolized before being excreted. Total milk residues reached steady-state after 24 hours, indicating bioaccumulation of residues in milk is unlikely. The highest tissue residues were found in the kidney and liver, because urinary and fecal excretion are the primary routes of elimination for chlorsulfuron. It is unlikely that chlorsulfuron or any of its metabolites will bioaccumulate in the tissues or milk of the lactating goat.

The poultry metabolism study was conducted at 1 ppm ^{14}C-chlorsulfuron in feed for up to 14 days in laying hens. After 14 days, 85–99% of the total radioactivity was accounted for in the hen excreta, with the majority being ^{14}C-chlorsulfuron. These data are consistent with previous research; demonstrating no accumulation of chlorsulfuron residues in animal tissues and minimal metabolism of the chlorsulfuron molecule in the rat and goat.

Dairy cattle were fed chlorsulfuron at dietary levels of 2, 10, and 50 ppm for 28 days. The chlorsulfuron residue levels in milk rose within 3 days to steady-state plateaus, remaining constant during fortified feeding, and decreased to below the analytical detection limit of 0.010 ppm within 3 days of terminating the fortified feeding. Average steady-state residue levels in the milk during fortified feeding, were 0.064 ppm for cows fed at the 50 ppm dietary rate and 0.013 ppm for cows fed at the 10 ppm dietary rate. No more than 0.2% of the ingested chlorsulfuron appeared as residues in the milk. Chlorsulfuron was rapidly eliminated from the animal in the urine and feces. Average concentrations of chlorsulfuron in urine and feces were 24 ppm and 0.6 ppm, respectively, for cows fed chlorsulfuron at the 50 ppm dietary level. Chlorsulfuron was detected in the kidney 0.25 ppm, liver 0.024 ppm, and lean muscle < 0.010 ppm of the cow fed at the 50 ppm dietary level, but was undetected (< 0.01 ppm in subcutaneous fat. Chlorsulfuron residues in all analyzed tissue decreased to< 0.010 ppm for all cows within 8–days of returning to a diet without chlorsulfuron. Addition of the proposed grass tolerances will not significantly increase the dietary burden for cattle since tolerances already exist for cereal feed commodities. The total dietary burden of chlorsulfuron for cattle will remain less than 50 ppm.

7. *Metabolite toxicology.* There is no evidence that the metabolites of chlorsulfuron as identified in either the plant, or animal metabolism studies are of any toxicological significance.

8. *Endocrine disruption.* Chronic, lifespan, and multigenerational bioassays in mammals and acute, and subchronic studies on aquatic organisms and wildlife did not reveal endocrine effects. Any endocrine related effects, would have been detected in this definitive array of required tests. The probability of any such effect due to agricultural uses of chlorsulfuron is negligible.

C. Aggregate Exposure

1. *Dietary exposure.* Since pasture grasses are cattle feed commodities, rather than food commodities, addition of grass forage and hay tolerances, will not contribute directly to dietary exposure.

i. *Food.* A dietary exposure assessment for chlorsulfuron was conducted using the Dietary Exposure Evaluation Model Versions 6.79 (Acute Module) and 6.76 (Chronic Module) of DEEM. Dietary exposure to chlorsulfuron, was based upon the following food commodities: Barley, oat, wheat, milk, and meat. For this assessment, it was assumed that 100% of the crop was treated with chlorsulfuron. Based on a comparison with the use profile for most other herbicides, this is an extremely conservative estimate. Chlorsulfuron is not an acute toxicant, however, for completeness an acute dietary risk assessment was conducted. The predicted acute exposure for the U.S. population subgroup was 0.0039 milligrams/kilograms bodyweight/day (mg/kg bwt/day) at the 95th percentile. The population subgroup with the highest predicted level of acute exposure at the 95th percentile was the children, age 1–6 years old subgroup with an exposure of 0.0084 mg/kg bwt/day. Based on a NOAEL of 165 mg/kg bwt/day from the repeated dose developmental toxicity study, and a 100–fold safety factor, the acute reference dose (aRfD) would be 1.65 mg/kg bwt/day. For the U.S. population, the predicted exposure at the 95th percentile is equivalent to 0.24% of the aRfD. For the population subgroup with the highest level of exposure (children 1–6 years old), the exposure at the 95th percentile would be equivalent to 0.51% of the aRfD. Because the predicted exposures expressed as percentages of the aRfD, are well below 100%, there is reasonable certainty that no acute effects would result from dietary exposure to chlorsulfuron.

The predicted chronic exposure for the U.S. population subgroup was 0.0013 mg/kg bwt/day. The population subgroup with the highest predicted level of chronic exposure was the children, age 1–6 year subgroup with an exposure of 0.0038 mg/kg bwt/day. Based on a chronic NOAEL of 5 mg/kg bwt/day and a 100–fold safety factor, the chronic reference dose (cRfD) would be 0.05 mg/kg bwt/day. For the U.S. population, the predicted exposure is equivalent to 2.5% of the cRfD. For the population subgroup with the highest level of exposure (children, 1–6 years old), the exposure would be equivalent to 7.7% of the cRfD. Because the predicted exposures, expressed as percentages of the cRfD, are well below 100%, there is reasonable certainty, that no chronic effects would result from dietary exposure to chlorsulfuron.

ii. *Drinking water.* Surface water exposure was estimated using the Generic Expected Environmental Concentration (GENEEC) model, a screening level model for determining concentrations of pesticides in surface water. GENEEC uses the soil/water partition coefficient, hydrolysis half life, and maximum label rate to estimate surface water concentration. In addition, the model contains a number of conservative underlying assumptions. Therefore, the drinking water concentrations derived from GENEEC for surface water are likely to be overestimated. Ground water exposures were estimated, using SCI-GROW and predicted levels were below those predicted by GENEEC; so GENEEC estimates were used below. EPA uses drinking water levels of comparison (DWLOCs) as a surrogate measure to capture risk associated with exposure to pesticides in drinking water. A DWLOC is the concentration of a pesticide in drinking water, that would be acceptable as an upper limit in light of total aggregate exposure to that pesticide from food, water, and residential uses. A DWLOC will vary, depending on the residue level in foods, the toxicity endpoint, and with drinking water consumption patterns and body weights for specific subpopulations.

iii. *Acute exposure and risk.* The acute DWLOCs are 58 ppm for the U.S. population and 16 ppm for the subpopulation with the highest exposure (infants < 1 year old). The estimated maximum concentration of chlorsulfuron in surface water (7.4 ppb derived from GENEEC, is much lower than the acute DWLOCs. Therefore, one can conclude with reasonable certainty that residues of chlorsulfuron in drinking water do not contribute significantly to the aggregate acute human health risk.

iv. *Chronic exposure and risk.* The chronic DWLOCs are 1.7 ppm for the U.S. population and 0.5 ppm for the subpopulation with the highest exposure (children 1–6 years old). These DWLOCs values are significantly higher than the GENEEC 56–day estimated environmental concentration of 7.3 ppb for chlorsulfuron in surface water. Therefore, one can conclude with reasonable certainty that residues of chlorsulfuron in drinking water, do not contribute significantly to the aggregate chronic human health risk.

v. *Acute risk.* Using the exposure assumptions described above, DuPont concluded with reasonable certainty that the aggregate exposure to chlorsulfuron to food will utilize less than 1% of the aRfD for all population subgroups. EPA generally has no concern for exposures below 100% of the aRfD because the aRfD represents the level at or below which a single day's aggregate exposure will not pose appreciable risks to human health. Despite the theoretical potential for exposure to chlorsulfuron in drinking water, the aggregate exposure (food + water) will not exceed the Agency's level of concern.

vi. *Chronic risk.* Using the exposure assumptions described above, DuPont has concluded that aggregate exposure to chlorsulfuron from food will utilize less than 8% of the cRfD for all population subgroups. EPA generally has no concern for exposures below 100% of the cRfD because the cRfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the theoretical potential for exposure to chlorsulfuron in drinking water, the aggregate exposure will not exceed 100% of the cRfD.

2. *Non-dietary exposure.* Chlorsulfuron is not registered for any use that could result in non-occupational or non-dietary exposure to the general population.

D. Cumulative Effects

Chlorsulfuron belongs to the sulfonylurea class of crop protection chemicals. While other structurally similar compounds in this class are registered herbicides, the herbicidal activity of sulfonylureas is due to the inhibition of acetolactate synthase (ALS), an enzyme found only in plants. This enzyme is part of the biosynthesis pathway leading to the formation of branched chain amino acids. Animals lack ALS and this biosynthetic pathway. This lack of ALS contributes to the relatively low toxicity of sulfonylurea herbicides in animals. There is no reliable information that would indicate or suggest that chlorsulfuron has any toxic effects on mammals that would be cumulative with those of any other chemical.

E. Safety Determination

1. *U.S. population.* The proposed analytical methods involve extraction, purification and concentration by reversed-phase solid-phase extraction. Extracts are analyzed by liquid chromatography/mass spectrometry

employing electrospray ionization (ESI-LC/MS).

Based on data and information submitted by DuPont, EPA previously determined that the establishment of tolerances of chlorsulfuron on wheat, barley, oats, milk and meat would protect the public health, including the health of infants and children. Establishment of a new tolerance of 11 ppm for chlorsulfuron on grass, forage and 19 ppm on grass, hay will not adversely impact public health. The proposed new tolerances are for feed commodities and will not directly impact human dietary intake. The proposed use on grass will only pose a small incremental increase in potential dietary burden for cattle. It has been determined that the existing meat and milk tolerances will accommodate this proposed new use on pasture grasses.

Based on the completeness and reliability of the toxicology database and using the conservative assumptions presented earlier, EPA has established a RfD of 0.05 mg/kg/day. This was based on the NOAEL for the chronic rat study, females (5.0 mg/kg/day) and a 100-fold safety factor. It has been concluded that the aggregate exposure was less than 8% of the RfD. Generally, exposures below 100% of the RfD are of no concern because it represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risk to human health. Thus, there is reasonable certainty that no harm will result from aggregate exposures to chlorsulfuron residues.

2. *Infants and children.* In assessing the potential for additional sensitivity of infants and children to residues of chlorsulfuron, data from the previously discussed developmental and multigeneration reproductive toxicity studies were considered.

Developmental studies are designed to evaluate adverse effects on the developing organism resulting from pesticide exposure during pre-natal development. Reproduction studies provide information relating to reproductive and other effects on adults and offspring from pre-natal and post-natal exposures to the pesticide. The studies with chlorsulfuron demonstrated no evidence of developmental toxicity at exposures below those causing maternal toxicity. This indicates that developing animals are not more sensitive to the effects of chlorsulfuron administration than adults.

FFDCA section 408 provides that EPA may apply an additional uncertainty factor for infants and children in the case of threshold effects to account for pre- and post-natal toxicity and the completeness of the database. Based on current toxicological data requirements, the data base for chlorsulfuron relative to pre-natal and post-natal effects for children is complete. In addition, the NOAEL of 5.0 mg/kg/day in the chronic rat study (and upon which the RfD is based) is much lower than the NOAELs defined in the reproduction and developmental toxicology studies. The sub-population with the highest level of exposure was children (1-6 years old), where exposure was approximately 7.7% of the RfD. Based on these conservative analyses, there is reasonable certainty that no harm will result to infants and children from aggregate exposures to chlorsulfuron.

F. International Tolerances

There are no Codex MRLs established for chlorsulfuron.

[FR Doc. 02–5446 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7154–9]

Notice of Availability and Request for Public Comment: Proposed National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Discharges From Construction Activities in Indian Country Within the State of Wisconsin

AGENCY: Environmental Protection Agency, Region 5 (EPA).

ACTION: Extension of public comment period.

SUMMARY: Today's notice announces an extension of the public comment period regarding EPA's proposed National Pollutant Discharge Elimination System (NPDES) general permit for storm water discharges from construction activities in Indian country within the State of Wisconsin. The general permit is proposed to cover discharges within Indian country, including the following areas: Bad River Indian Reservation, Forest County Potawatomi Indian Reservation, Ho-Chunk Nation Indian Reservation, Lac Courte Oreilles Indian Reservation, Lac Du Flambeau Indian Reservation, Menominee Indian Reservation, Oneida Indian Reservation, Red Cliff Indian Reservation, Sokaogon (Mole Lake) Indian Reservation, St. Croix Indian Reservation, and the Stockbridge-Munsee Indian Reservation.

EPA published the proposed general permit in the **Federal Register** on December 21, 2001 (66 FR 65957–65961). The purpose of this notice is to correct a procedural oversight during the original notice and comment period. A public meeting will be held followed by a public hearing. The date and location is listed below:

Date: April 4, 2002.

Location: Bay Beach Wildlife Sanctuary, 1660 East Shore Drive, Green Bay, WI.

Time: 2 p.m. to 4 p.m. (Public meeting). 6 p.m. to 8 p.m. (Public Hearing).

DATES: Comment period on the proposed permit must be received by April 12, 2002. EPA will accept comments submitted in writing or transmitted electronically.

ADDRESSES: Comments on the draft permit may be sent to: Brian Bell, NPDES Programs Branch (WN–16J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, IL 60604. Comments may also be transmitted electronically to *bell.brianc@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Brian Bell, at the above address or, via telephone at 312–886–0981.

Dated: February 22, 2002.

Thomas Poy,

Acting Director, Water Division, Region 5.

[FR Doc. 02–5602 Filed 3–7–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[IB Docket 95–59; DA 02–248]

The Preemption of Local Zoning Regulation of Satellite Earth Stations

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document , the International Bureau (''Bureau'') announces the list of the petitioners that did not respond to the October 2001 public notice, as set forth in the attached Appendix A. These parties may file a supplemental notice of their intent to pursue their respective petitions for reconsideration within 30 days after publication of this Public Notice in the **Federal Register**. The Commission intends to dismiss those petitions for reconsideration from parties that do not indicate intent to pursue their respective petitions for reconsideration. To ensure that each party who filed a petition for reconsideration to the 1996 Antenna Order has actual notice and an opportunity to respond.

DATES: Comments are due on or before April 8, 2002; Reply Comments are due on or before April 17, 2002.

ADDRESSES: Electronic comments may be filed using the Commission's Electronic Comment Filing System (ECFS). Comments filed though the ECFS can be sent as an electronic file via Internet to *http://www.fcc.gov/e-file/ecfs.html.* All other filings must be sent to Office of Secretary, Federal Communications Commission, 445 12th St., SW., Rm TW–A325, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Selina Khan of the International Bureau at 202–418–7282.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Public Notice* in IB Docket No. 95–59, DA 02–248 (released February 1, 2002). In October 2001, the Bureau released a notice public [1] asking parties to refresh the record regarding petitions for reconsideration of the 1996 Antenna Order (11 FCC Rcd 5809).[2] The Bureau noted that, since the release of the 1996 Antenna Order, many of the issues raised in the petitions for reconsideration may have become moot or irrelevant in light of intervening events, including Commission amendment of 1.4000,[3] that applies to antennas used to transmit as well as receive both video and nonvideo services.[4]

For these reasons, the Bureau requested that parties that had petitions for reconsideration for the 1996 Antenna Order file a supplemental notice indicating the issues in such petitions, if any, they still wished to have reconsidered. The Bureau stated that, to the extent that parties did not indicate an intent to pursue their respective petitions for reconsideration, the Commission would deem such petitions withdrawn and would dismiss such petitions.[5] The public notice was published in the **Federal Register**, 66 FR 53417, October 22, 2001. No party filed in response to this public notice.

Procedural Matters: Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, and 1.419, interested parties may file Supplemental Commissions, limited to the issues addressed in this Public Notice, no later than April 8, 2002. Supplemental Reply Comments must be filled no later than April 17, 2002. In view of the tendency of this proceeding, we except to adhere to the schedule set forth in this *Public Notice* and do not contemplate granting extension of time. Comments should reference IB Docket No. 95–59 and should include the FCC number shown on this *Public Notice.* Comments may be field using the Commission's Electronic Comment Filing System (ECFS), 63 FR 24121 (May 1, 1998). Comments filed through the ECFS can be sent as an electronic file via Internet to *http://www.fcc.gov/e-file/ecfs.html.* In completing the transmittal screen, parties responding should include their full name, mailing address, and the applicable docket number, IB Docket 95–59. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking appear in the caption of the proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filing must be sent to the Commission's Acting Secretary, William Caton. Office of the Secretary, Federal Communications Commission, 445 12th St., SW., Rm. TW–A325, Washington, DC 20554. One copy of all comments should also be sent to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. Copies of all filings are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Appendix A

Petitions for Reconsideration of the 1996 Anntenna Order

AlphaStar Television Network, Inc.
County of Boulder, State of Colorado
DIRECTV, Inc.
Florida League of Cities
Hughes Network Systems, Inc.
Local Communities (the ''Cities of Dallas'') [6]
Local Communities (''National League of Cities'') [7]
Satellite Broadcasting And Communications Association of America (''SBCA'')
United States Satellite Broadcasting Company, Inc. (''USSB'')

[FR Doc. 02–5257 Filed 3–7–02; 8:45 am]

BILLING CODE 6712–01–P

[1] See Parties Asked to Refresh Record Regarding Reconsideration of Rules Adopted in Preemption of Local Zoning Regulation of Satellite Earth Stations, Public Notice, IB Docket No. 95–59, DA 01–2323, 66 FR 53417 (October 22, 2001) (rel. October 5, 2001) (''Preemption Public Notice'')

[2] See In the Matter of Local Zoning Regulation of Satellite Earth Stations, Report and Order and Further Notice of Proposed Rulemaking, IB Docket No. 95–59, 61 FR 10710 (March 15, 1996) 11 FCC Rcd 5809, (1996) (''1996 Antenna Order''), consolidated in part with Preemption of Local Zoning Regulation of Satellite Earth Stations and Implementation of Section 207 of the Telecommunication Act of 1996, Restrictions on Over the Air Reception Devices, Report and Order, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, IB Docket 95–59 and CS Docket No. 96–83, 11 FCC Rcd 19276 (1996).

[3] 47 CFR 1.4000.

[4] Promotion of Competitive Networks in Local Telecommunications Markets, Report and Order, 15 FCC Rcd 22983 (2000).

[5] See Preemption Public Notice at 2.

[6] The Local Communities is composed of local governments nationally and local governments in Cities of Dallas, Texas; Arlington, Texas; Austin, Texas; Fort Worth Texas; Knoxville, Tennessee; the National Association of Counties and the United States Conference of Mayors (hereinafter ''The City of Dallas'').

[7] The National League of Cities is composed of the following: the National Association of Telecommunications Officers and Advisors; the National Trust for Historic Preservation; League of Arizona Cities and Towns; League of California Cities; Colorado Municipal League; Connecticut Conference of Municipalities; Delaware League of Local Governments; Florida League of Cities; Georgia Municipal Association; Association of Idaho Cities; Illinois Municipal League; Indiana Association of Cities and Towns; Iowa League of Cities; League of Kansas Municipalities; Kentucky League of Cities; Maine Municipal Association; Michigan Municipal Association; Michigan Municipal League; League of Minnesota Cities; Mississippi Municipal Association; League of Nebraska Municipalities; New Hampshire Municipal Association; New Jersey State League of Municipalities; New Mexico Municipal League; New York State Conference of Mayors and Municipal Officials; North Carolina League of Municipalities; North Dakota League of Cities; Ohio Municipal League; Oklahoma Municipal League; League of Oregon Cities; Pennsylvania League of Cities and Municipalities; Municipal Association of South Carolina; Texas Municipal League; Vermont League of Cities and Towns; Virginia Municipal; League; Association of Washington Cities; and Wyoming Association of Municipalities (hereinafter the ''National League of Cities'').

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1400–DR]

Arkansas; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Arkansas (FEMA–1400–DR), dated January 24, 2002, and related determinations.

EFFECTIVE DATE: February 13, 2002.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Readiness, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705 or *madge.dale@fema.gov*.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, effective this date and pursuant to the authority vested in the

Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Michael Bolch of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

This action terminates my appointment of Joe Bray as Federal Coordinating Officer for this disaster.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Joe M. Allbaugh,

Director.

[FR Doc. 02–5560 Filed 3–7–02; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL HOUSING FINANCE BOARD

Sunshine Act Meeting; Announcing an Open Meeting of the Board

TIME AND DATE: 1 p.m., Wednesday, March 13, 2002.

PLACE: Board Room, Second Floor, Federal Housing Finance Board, 1777 F Street, NW, Washington, DC 20006.

STATUS: The entire meeting will be open to the public.

Matter To Be Considered During Portions Open to the Public

- Federal Home Loan Bank of Seattle Capital Plan

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Secretary to the Board, (202) 408–2837.

James L. Bothwell,

Managing Director.

[FR Doc. 02–5735 Filed 3–6–02; 12:04 pm]

BILLING CODE 6725–01–P

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 March 29, 2002.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045–0001:

1. EuroBancshares, Inc., Hato Rey, Puerto Rico; to become a bank holding company by acquiring100 percent of the voting shares of Eurobank, Hato Rey, Puerto Rico.

B. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Gifford Bancorp, Inc. Employee Stock Ownership Plan, Gifford, Illinois; to acquire additional voting shares, for a total of 100 percent of the voting shares of Gifford Bancorp, Inc., Gifford, Illinois, and thereby indirectly acquire voting shares of Gifford State Bank, Gifford, Illinois.

Board of Governors of the Federal Reserve System, March 4, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–5561 Filed 3–7–02; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act Meeting

TIME AND DATE: 10 a.m. (EST) March 18, 2002.

PLACE: 4th Floor, Conference Room 4506, 1250 H Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: 1. Approval of the minutes of the February 19, 2002, Board member meeting.

2. Thrift Savings Plan activity report by the Executive Director.

CONTACT PERSON FOR MORE INFORMATION: Thomas J. Trabucco, Director, Office of External Affairs. (202) 942–1640.

Dated: March 5, 2001.

Elizabeth S. Woodruff,

Secretary to the Board, Federal Retirement Thrift Investment Board.

[FR Doc. 02–5748 Filed 3–6–02; 2:15 pm]

BILLING CODE 6760–01–M

GENERAL SERVICES ADMINISTRATION

Interagency Committee for Medical Records (ICMR) Automation of Medical Standard Form 503

AGENCY: General Services Administration.

ACTION: Guideline on automating medical standard forms.

Background

The Interagency Committee on Medical Records (ICMR) is aware of numerous activities using computer-generated medical forms, many of which are not mirror-like images of the genuine paper Standard/Optional Form. With GSA's approval the ICMR eliminated the requirement that every electronic version of a medical Standard/Optional form be reviewed and granted an exception. The committee proposes to set required fields standards and that activities developing computer-generated versions adhere to the required fields but not necessarily to the image. The ICMR plans to review medical Standard/Optional forms which are commonly used and/or commonly computer-generated. We will identify those fields which are required, those (if any) which are optional, and the required format (if necessary). Activities may not add or delete data elements that would change the meaning of the form. This would require written approval from the ICMR. Using the process by which overprints

are approved for paper Standard/Optional forms, activities may add other data entry elements to those required by the committee. With this decision, activities at the local or headquarters level should be able to develop electronic versions which meet the committee's requirements. This guideline controls the ''image'' or required fields but not the actual data entered into the field.

SUMMARY: With GSA's approval, the Interagency Committee of Medical Records (ICMR) eliminated the requirement that every electronic version of a medical Standard/Optional form be reviewed and granted an exception. The following fields must appear on the electronic version of the following form:

ELECTRONIC ELEMENTS FOR SF 503

Item	Placement
Autopsy Protocol (Title)	Top of form.
Standard Form 503 (Rev. 7/2000) (Form ID)	Bottom right corner of form.
Data Entry Fields:	
Date Died	
Hour Died	
Date Autopsy Performed	
Hour Autopsy Performed	
Prosector (Name)	
Assistant (Name)	
Full Autopsy (Checkbox)	
Head Only (Checkbox)	
Truck Only (Checkbox)	
Clinical Diagnosis (Including operations)	
Pathological Diagnosis	
Approved—Signature	
Military Organization (When required)	
Age	
Autopsy Number	
Relationship to Sponsor	
Sponsor's Name—Last	
Sponsor's Name—First	
Sponsor's Name—MI	
Sponsor's ID Number (SSN or other)	
Dept./Service	
Hospital or Medical Facility	
Records Maintained At	
Register No.	
Ward No.	
Patient Information (Text)	Above below listed items.
Last Name	
First Name	
Middle Name	
Id No. or SSN	
Sex	
Date of Birth	
Rank/Grade	

If no specific placement, data element may be in any order.

FOR FURTHER INFORMATION CONTACT: CDR Katherine Ciacco Palatianos, Indian Health Service, Department of Health and Human Services, 5600 Fishers lane, Room 6A–55, Rockville, MD 20857 or e-mail at *kciacco@hge.ihs.gov.*

DATES: Effective March 8, 2002.

Dated: February 12, 2002.

Katherine Ciacco Palatianos,

Chairperson, Interagency Committee on Medical Records.

[FR Doc. 02–5546 Filed 3–7–02; 8:45 am]

BILLING CODE 6820–34–M

GENERAL SERVICES ADMINISTRATION

Interagency Committee for Medical Records (ICMR); Automation of Medical Standard Form 512

AGENCY: Office of Communications, GSA.

ACTION: Guideline on automating medical standard forms.

SUMMARY: With GSA's approval, the Interagency Committee of Medical Records (ICMR) eliminated the requirement that every electronic version of a medical Standard/Optional form be reviewed and granted an exception. The committee proposes to set required fields standards and that activities developing computer-generated versions adhere to the required fields but not necessarily to the image. The ICMR plans to review medical Standard/Optional forms which are commonly used and/or commonly computer-generated. We will identify those fields which are required, those (if any) which are optional, and the required format (if necessary). Activities may not add or delete data elements that would change the meaning of the form. This would require written approval from the ICMR. Using the process by which overprints are approved for paper Standard/Optional forms, activities may add other

Background

The Interagency Committee on Medical Records (ICMR) is aware of numerous activities using computer-generated medical forms, many of which are not mirror-like images of the genuine paper Standard/Optional Form. With GSA's approval the ICMR eliminated the requirement that every

data entry elements to those required by the committee. With this decision, activities at the local or headquarters level should be able to develop electronic versions which meet the committee's requirements. This guideline controls the ''image'' or required fields but not the actual data entered into the field.

SUMMARY: With GSA's approval, the Interagency Committee of Medical Records (ICMR) eliminated the requirement that every electronic version of a medical Standard/Optional form be reviewed and granted an exception. The following fields must appear on the electronic version of the following form:

ELECTRONIC ELEMENTS FOR SF 512

Item	Placement [1]
(Plotting Chart (Title)	Top of form.
(Standard Form 512 (Rev. 3/1994) (Form ID)	Bottom right corner of form.
Data Entry Fields	
Title of Purpose of Graph	
Data (Allow for at least 14 entries)	
Time (Allow for at least 14 entries)	
Graphic (Allow for at least 14 plots)	
Patient Information (Text)	Above below listed items.
Last Name	
First Name	
Middle Name	
Rank	
Rate	
Hospital or Medical Facility	
Register No.	
Ward No.	

[1] If no specific placement, data element may be in any order.

FOR FURTHER INFORMATION CONTACT: CDR Katherine Ciacco Palatianos, Indian Health Service, Department of Health and Human Services, 5600 Fishers Lane, Room 6A–55, Rockville, MD 20857 or e-mail at *kciacco@hge.ihs.gov*.

DATES: Effective March 8, 2002.

Dated: February 12, 2002.

Katherine Ciacco Palatianos,

Chairperson, Interagency Committee on Medical Records.

[FR Doc. 02–5545 Filed 3–7–02; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Information Collection Activities: Submission for OMB Review; Comment Request

The Department of Health and Human Services, Office of the Secretary publishes a list of information collections it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) and 5 CFR 1320.5. The following are those information collections recently submitted to OMB.

1. Wave 3 Survey of Youth for the Federal Evaluation of Initiatives Funded Under Section 510 of the Maternal and Child Health Block Grant Programs—The Personal Responsibility and Work Opportunity Reconciliation Act established Section 510 of the Maternal and Child Health Block Grant Program, the purpose of which is to support state efforts supporting abstinence only education. This data collection is needed to fulfill the requirements for a Congressionally mandated evaluation of the program. *Respondents:* Individuals; *Number of Respondents:* 2,872; *Average Burden per Response:* 5 hours; *Total Burden:* 1,436 hours. *OMB Desk Officer:* Allison Herron Eydt.

Copies of the information collection packages listed above can be obtained by calling the OS Reports Clearance Officer on (202) 690–6207. Written comments and recommendations for the proposed information collection should be sent directly to the OMB desk officer designated above at the following address:

Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503.

Comments may also be sent to Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Humphrey Building, 200 Independence Avenue SW., Washington DC 20201. Written comments should be received within 30 days of this notice.

Dated: February 26, 2002.

Kerry Weems,

Acting, Deputy Assistant Secretary, Budget.

[FR Doc. 02–5510 Filed 3–7–02; 8:45 am]

BILLING CODE 4154–05–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Advisory Committee on Minority Health

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science, Office of Minority Health.

ACTION: Notice of meeting.

SUMMARY: The Advisory Committee on Minority Health will meet to discuss racial and ethnic disparities in health, as well as other related issues. The meeting is open to the public. There will be an opportunity for public comment which will be limited to five minutes per speaker. Individuals who would like to submit written statements should mail or fax their comments to the Office of Minority Health at least two business days prior to the meeting.

DATES: The Advisory Committee on Minority Health will meet on Thursday, March 21, 2002 from 9 a.m. to 5 p.m., and Friday, March 22, 2000 from 8:30 a.m. to 12 noon.

ADDRESSES: The meeting will be held at the Hamilton Crowne Plaza, Oasis Room, 1001 14th Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Sheila P. Merriweather, Office of Minority Health, Rockwall Building, 5515 Security Lane, Suite 1000, Rockville, MD 20852. Phone: 301–443–9923, Fax: 301–443–8280.

Dated: March 4, 2002.

Nathan Stinson, Jr.,

Deputy Assistant Secretary for Minority Health.

[FR Doc. 02–5511 Filed 3–7–02; 8:45 am]

BILLING CODE 4150–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Prospective Grant of Exclusive License: Vaccines and Diagnostic Tests for Cat Scratch Fever

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This is a notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the Centers for Disease Control and Prevention (CDC), Technology Transfer Office, Department of Health and Human Services (DHHS), is contemplating the grant of a worldwide, limited field of use, exclusive license to practice the inventions embodied in the patent and patent applications referred to below to Intervet Inc. (Intervet) having a place of business in Millsboro, Delaware. The patent rights in these inventions have been assigned to the government of the United States of America. The patent and patent applications to be licensed are:

Title: Methods and compositions for diagnosing cat scratch disease and bacillary angiomatosis caused by Rochalimaea henselae.

U.S. Patent Application Serial No. 07/822,539.

Filing Date: 01/17/92.

Domestic Status: Patent No.: 5,399,485.

Issue Date: 03/21/95.

Title: Methods and compositions for diagnosing Rochalimaea henselae and Rochalimaea quintana infection.

U.S. Patent Application Serial No. 08/245,294.

Filing Date: 05/18/94.

Domestic Status: Patent No.: 5,644,047.

Issue Date: 07/01/97.

Title: Nucleic acids specific for Rochalimaea quintana.

U.S. Patent Application Serial No. 08/474,499.

Filing Date: 06/07/95.

Domestic Status: Patent No.: 5,693,776.

Issue Date: 12/02/97.

Title: Nucleic acids of Rochalimaea henselae and methods and compositions for diagnosing Rochalimaea henselae and Rochalimaea quintana infection.

U.S. Patent Application Serial No. 08/307,279.

Filing Date: 09/16/94.

Domestic Status: Patent No.: 5,736,347.

Issue Date: 04/07/98.

Title: Composition to protect a mammal against Bartonella henselae infection.

U.S. Patent Application Serial No. 08/922,970.

Filing Date: 09/03/97.

Domestic Status: Patent No.: 5,958,414.

Issue Date: 09/28/99.

Title: Methods and Compositions for Diagnosing Rochalimaea Henselae and Rochalimaea Quintana Infection.

U.S. Patent Application Serial No. 08/472,904.

Filing Date: 06/07/95.

Title: Nucleic acids of Rochalimaea henselae and compositions for diagnosing Rochalimaea henselae and Rochalimaea quintana infection.

U.S. Patent Application Serial No. 08/480,849.

Filing Date: 06/07/95.

Title: Methods and Compositions for Diagnosing Rochalimaea Henselae and Rochalimaea Quintana Infection.

U.S. Patent Application Serial No. 08/472,934.

Filing Date: 06/07/95.

Title: Nucleic Acids of Rochalimaea Hensselae and Compositions for Diagnosing Rochalimaea Henselae and Rochalimaea Quintana Infection.

U.S. Patent Application Serial No. 09/525,310.

Filing Date: 03/14/00.

Title: Nucleic acids of Rochalimaea henselae and compositions for diagnosing Rochalimaea henselae and Rochalimaea quintana infection.

U.S. Patent Application Serial No. 09/752,385.

Filing Date: 12/29/00.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7.

Cat scratch fever or bacillary angiomatosis is a bacterial disease transmitted via a cat scratch or bite. A previously unidentified, pathogenic species of Bartonella (formerly Rochalimaea), B. henselae, has been identified as the primary causitive agent. A related species, B. quintana, may also produce illness in immunocompromised individuals. This invention identifies immunogenic peptides useful for indentification of B. henselae and diagnosis of bacillary angiomatosis and a method of vaccinating against bacillary angiomatosis.

ADDRESSES: Requests for a copy of these patent applications, inquiries, comments, and other materials relating to the contemplated license should be directed to Andrew Watkins, Director, Technology Transfer Office, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, Mailstop K–79, Atlanta, GA 30341, telephone: (770) 488–8610; facsimile: (770) 488–8615. Applications for a license filed in response to this notice will be treated as objections to the grant of the contemplated license. Only written comments and/or applications for a license which are received by CDC within sixty days of this notice will be considered. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552. A signed Confidential Disclosure Agreement will be required to receive a copy of any pending patent application.

Dated: March 4, 2002.

Joseph R. Carter,

Associate Director for Management and Operations, Centers for Disease Control and Prevention.

[FR Doc. 02–5567 Filed 3–7–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Prospective Grant of Exclusive License: Growing Ehrlichia Species in a Continuous Cell Line

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This is a notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the Centers for Disease Control and Prevention (CDC), Technology Transfer Office, Department of Health and Human Services (HHS), is contemplating the grant of a worldwide, limited field of use, exclusive license to practice the inventions embodied in the patent and patent applications referred to below to Intervet Inc. (Intervet) having a place of business in Millsboro, Delaware. The patent rights in these inventions have been assigned to the government of the United States of America. The patent and patent applications to be licensed are:

Title: Growing Ehrlichia Species in a Continuous Cell Line U.S. Patent Application Serial No. 07/518,182.

Filing Date: 05/03/90.

Domestic Status: Patent No.: 5,192,679.

Issue Date: 03/09/93.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7.

Ehrlichiosis is a non-communicable, rarely fatal, rickettsial disease found in the United States. It is clinically similar to Rocky Mountain Spotted Fever but lacks the distinctive rash and is related to Sennetsu Fever, found only in Japan. In the United States ehrlichiosis is caused primarily by E. Chaffeensis. The development of diagnostics and vaccines for these diseases has been hampered by a lack of continuous cell lines to produce large quantities of Ehrlichia antigens. In this invention, a method of growing pathogenic Ehrlichia species in the continuous monocyte-macrophage cell line DH82 has been developed.

ADDRESSES: Requests for a copy of these patent applications, inquiries, comments, and other materials relating to the contemplated license should be directed to Andrew Watkins, Director, Technology Transfer Office, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, Mailstop K–79, Atlanta, GA 30341, telephone: (770) 488–8610; facsimile: (770) 488–8615. Applications for a license filed in response to this notice will be treated as objections to the grant of the contemplated license. Only written comments and/or applications for a license which are received by CDC within sixty days of this notice will be considered. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552. A signed Confidential Disclosure Agreement will be required to receive a copy of any pending patent application.

Dated: March 4, 2002.

Joseph R. Carter,

Associate Director for Management and Operations, Centers for Disease Control and Prevention.

[FR Doc. 02–5568 Filed 3–7–02; 8:45 am]

BILLING CODE 4163–18–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, 02–36, Review of R01s and Applicant Interview.

Date: April 11–12, 2002.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal City Courtyard by Marriott, 2899 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Anna Sandberg, MPH, DRPH, Scientific Review Administrator, National Institute of Dental & Craniofacial Res., 45 Center Drive, Natcher Building, Rm. 4AN44F, Bethesda, MD 20892, (301) 594–3089.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, 02–61, Review of R44 Grants.

Date: April 12, 2002.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Philip Washko, PHD, DMD, Scientific Review Administrator, 45 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, 02–40, Review of R01s and Applicant Interview.

Date: April 17–19, 2002.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Pooks Hill, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Anna Sandberg, MPH, DRPH, Scientific Review Administrator, National Institute of Dental & Craniofacial Res., 45 Center Drive, Natcher Building, Rm. 4AN44F, Bethesda, MD 20892, (301) 594–3089.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, 02–41, Review of R13 Grants.

Date: April 17, 2002.

Time: 3 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Natcher Bldg., Conf. Rms. A & D, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: H. George Hausch, PHD, Acting Director, 4500 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: March 4, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–5649 Filed 3–7–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meetings.

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environment Health Sciences Special Emphasis Panel, Review of Conference Grants (R13s).

Date: April 2, 2002.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: NIEHS—East Campus, 79 TW Alexander Drive, Building 4401, Room 3446, Research Triangle Park, NC 27709, (Telephone Conference Call).

Contact Person: RoseAnne M McGee, BS, Associated Scientific Review Administrator, Scientific Review Branch, Office of Program Operations, Division of Extramural Research

and Training, Nat, Inst. of Environment Health Sciences, Research Triangle Park, NC 27709, 919/541–0752.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel, Review of Program Project Applications.

Date: April 11–13, 2002.

Time: 7 p.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel, 322 North Spokane Falls Court, Spokane, WA 99201.

Contact Person: Linda K Bass, PhD, Scientific Review Administrator, Scientific Review Branch, Office of Program Operations, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30, Research Triangle Park, NC 27709, (919) 541–1307.

(Catalogue of Federal Domestic Assistance Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposure; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: March 4, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–5650 Filed 3–7–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of meetings of the National Advisory Allergy and Infectious Diseases Council.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such a sign language interpretation or other reasonable accommodations, should notify the Contact Person Listed below in advance of the meeting.

The meetings will closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552(b)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such a patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Allergy and Infectious Diseases Council, Acquired Immunodeficiency Syndrome Subcommittee.

Date: May 30, 2002.

Closed: 8:30 AM to 10:30 AM.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, 45 Center Drive, Conference Room C1/C2, Bethesda, MD 20892.

Open: 12:00 PM to adjournment.

Agenda: Open program advisory discussions and presentations.

Place: Natcher Building, 45 Center Drive, Conference Rooms E1/E2, Bethesda, MD 20892.

Contact Person: John J McGowan, Director, Division of Extramural Activities, NIAID, Room 2142, 6700–B Rockledge Drive, MSC 7610, Rockville, MD 20892–7610, 301–496–7291.

Name of Committee: National Advisory Allergy and Infectious Diseases Council, Microbiology and Infectious Diseases Subcommittee.

Date: May 30, 2002.

Closed: 8:30 AM to 10:30 AM.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, 45 Center Drive, Conference Room F1/F2, Bethesda, MD 20892.

Open: 12:00 PM to adjournment.

Agenda: Open program advisory discussions and presentations.

Place: Natcher Building, 45 Center Drive, Conference Room F1/F2, Bethesda, MD 20892.

Contact Person: John J McGowan, Director, Division of Extramural Activities, NIAID, Room 2142, 6700–B Rockledge Drive, MSC 7610, Rockville, MD 20892–7610, 301–496–7291.

Name of Committee: National Advisory Allergy and Infectious Diseases Council, Allergy, Immunology and Transplantation Subcommittee.

Date: May 30, 2002.

Closed: 8:30 AM to 10:30 AM.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, 45 Center Drive, Conference Room F1/F2, Bethesda, MD 20892.

Open: 12:00 PM to adjournment.

Agenda: Open program advisory discussions and presentations.

Place: Natcher Building, 45 Center Drive, Conference Room F1/F2, Bethesda, MD 20892.

Contact Person: John J McGowan, Director, Division of Extramural Activities, NIAID, Room 2142, 6700–B Rockledge Drive, MSC 7610, Rockville, MD 20892–7610, 301–496–7291.

Name of Committee: National Advisory Allergy and Infectious Diseases Diseases Council.

May 30, 2002.

Open: 10:30 AM to 11:40 AM.

Agenda: The meeting of the full Council will be open to the public for general discussion.

Place: Natcher Building, 45 Center Drive, Conference Room E1/E2, Bethesda, MD 20892.

Closed: 11:40 AM to 12:00 PM.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, 45 Center Drive, Conference Room E1/E2, Bethesda, MD 20892.

Contact Person: John J McGowan, Director, Division of Extramural Activities, NIAID, Room 2142, 6700–B Rockledge Drive, MSC 7610, Rockville, MD 20892–7610, 301–496–7291.

In the interest of security, NIH has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D. and sign-in at the security desk upon entering the building.

Information is also available on the Institute's/Center's home page: *www.niaid.nih.gov/facts/facts.htm,* where an agenda and any additional information for the meeting will be posted when available. (Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 4, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–5651 Filed 3–7–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Toxicology Program (NTP); National Institute of Environmental Health Science (NIEHS)

The NTP Center for the Evaluation of Risks to Human Reproduction (CERHR) Announces the Availability of and Requests Public Comments on Two Expert Panel Reports: Expert Panel Report on the Developmental and Reproductive Toxicity of 1-Bromopropane and Expert Panel Report on the Developmental and Reproductive Toxicity of 2-Bromopropane.

Summary

Notice is hereby given of the availability of the Expert Panel Report on the Developmental and Reproductive Toxicity of 1-Bromopropane and the Expert Panel Report on the

Developmental and Reproductive Toxicity of 2-Bromopropane. These reports include the summaries and conclusions of the expert panel's evaluation of the scientific data for potential reproductive and/or developmental hazards associated with exposure to 1-bromopropane and 2-bromopropane. The CERHR held this expert panel meeting in December 2001. CERHR is seeking public comment on these reports and additional information about recent, relevant toxicology studies or human exposure.

Availability of Reports

Copies of the two expert panel reports are available electronically on the CERHR Web site (*http://cerhr.niehs.nih.gov*). To receive a printed copy of either report, please contact the CERHR at P.O. Box 12233, MD EC–32, Research Triangle Park, NC 27709 (mail), (919) 541–3455 (phone), (919) 316–4511 (fax), or *shelby@niehs.nih.gov* (email).

Request for Public Comments

The CERHR invites public comments on the expert panel reports and input regarding any recent, relevant toxicology data or human exposure information for either chemical. The CERHR asks that all comments and other information be submitted to the CERHR at the address above by [*Please insert date 60 days from publication of this notice*].

All public comments on these reports received by this date will be reviewed and included in the final NTP–CERHR reports prepared by NTP staff. The NTP–CERHR report for each chemical will include the expert panel report, public comments received on the report, and the NTP brief. The NTP brief will provide the NTP's interpretation of the potential for adverse reproductive and/or developmental effects to humans from exposure to the chemical. The NTP will transmit the NTP–CERHR reports to the appropriate federal and state agencies, the public, and the scientific community.

Background

A 10-member expert panel composed of scientists from state and federal governments, universities, and industry conducted an evaluation of the reproductive and developmental toxicities of 1-bromopropane and 2-bromopropane [**Federal Register** (Vol. 66, No. 156, pp. 42548–42549, August 13, 2001)]. Public deliberations by the panel took place December 5–7, 2001 at the Hilton Washington-Dulles Hotel in Herndon, Virginia. Following the December meeting, the draft expert panel reports were revised to incorporate the panel's conclusions, and subsequently reviewed by the Bromopropanes Expert Panel, NTP scientists, and CERHR personnel.

1-Bromopropane is used as a solvent for fats, waxes, or resins and as an intermediate in the synthesis of pharmaceuticals, insecticides, quaternary ammonium compounds, flavors, or fragrances. It is also used as a vehicle in spray adhesives and as a cold bath degreaser. 2-Bromopropane is used as an intermediate in the synthesis of pharmaceuticals, dyes, and other compounds; the extent of these uses and associated human exposures is unknown. 2-Bromopropane is also present as a contaminant in 1-bromopropane. Bromopropane are being considered as replacement chemicals for ozone-depleting chemicals such as hydrochlorofluorocarbons and chlorinated solvents.

Additional Information About CERHR

The NTP and the NIEHS established the NTP CERHR in June 1998 [**Federal Register** (Vol. 63, No. 239, p. 68782, December 1998)].

The purpose of the CERHR is to provide scientifically-based, uniform assessments of the potential for adverse effects on reproduction and development caused by agents to which humans may be exposed. Further information on the CERHR's chemical review process including how to nominate chemicals for evaluation and scientists for the expert registry can be obtained from its Web site (*http://cerhr.niehs.nih.gov*) or by contacting the CERHR directly (see contact information above).

The CERHR also serves as a resource for information on various environmental exposures and their potential to affect pregnancy and child development. Its Web site (*http://cerhr.niehs.nih.gov*) has information about common concerns related to fertility, pregnancy and the health of unborn children, and links to other resources for information about public health.

Dated: February 8, 2002.

Samuel H. Wilson,

Deputy Director, National Institute of Environmental Health Sciences.

[FR Doc. 02–5652 Filed 3–7–02; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4734–N–07]

Notice of Submission of Proposed Information Collection to OMB; Housing Counseling Program

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* April 8, 2002.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2502–0261) be sent to: Jospeh F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail *Wayne_Eddins@HUD.gov;* telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone

number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Housing Counseling Program.

OMB Approval Number: 2502–0261.

Form Numbers: HUD–9900, HUD–9902, HUD–9908.

Description of the Need for the Information and its Proposed Use: HUD is authorized to contract with organizations, which provide counseling to tenants and homeowners. The Housing Counseling Program provides assistance to improve housing conditions and in meeting the responsibilities of tenancy and homeownership.

Respondents: Individuals or households, Not-For-Profit Institutions, State, Local or Tribal Government.

Frequency of Submission: On Occasion-Annually.

REPORTING BURDEN

Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
7,275		1		0.4		3,100

Total Estimated Burden Hours: 3,100.

Status: Revision of a currently approved collection.

Authority: Sec. 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: March 1, 2002.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 02–5522 Filed 3–7–02; 8:45 am]

BILLING CODE 4210–72–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4734–N–08]

Notice of Submission of Proposed Information Collection to OMB; Record of Employee Interviews

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* April 8, 2002.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2501–0009) be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail *Wayne_Eddins@HUD.gov;* telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Record of Employee Interviews.

OMB Approval Number: 2501–0009.

Form Numbers: HUD–11.

Description of the Need for the Information and its Proposed Use:

To assure compliance with the Davis-Bacon and related Acts, 29 CFR 5.6, and Reorganization Plan #14, HUD designed and placed in use the HUD–11, record of Employee Interview. This form is used by HUD to assist in recording interviews with construction workers for the purposes of establishing the degree of accuracy of contractor payroll records and the nature and extent of violations, if any.

Respondents: Individuals or households, Federal Government, State, Local or Tribal Government.

Frequency of Submission: On Occasion.

REPORTING BURDEN

Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
20,000		1		0.5		10,000

Total Estimated Burden Hours: 10,000.

Status: Reinstatement, without change, of previously approved.

Authority: Sec. 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: March 1, 2002.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 02–5523 Filed 3–7–02; 8:45 am]

BILLING CODE 4210–72–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4730–N–10]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, room 7266, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CRF part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: Army: Ms. Julie Jones-Conte, Headquarters, Department of the Army, Office of the Assistant Chief of Staff for Installation Management, Attn: DAIM–MD, Room 1E677, 600 Army Pentagon, Washington, DC 20310–0600; (703) 692–9223; DOT: Mr. Rugene Spruill, Space Management, SVC–140, Transportation Administrative Service Center, Department of Transportation 400 7th Street, SW Room 2310, Washington, DC 20590; (202) 366–4246; Energy: Mr. Tom Knox, Department of Energy, Office of Engineering & Construction Management, CR–80, Washington, DC 20585; (202) 586–8715; Navy: Mr. Charles C. Cocks, Director, Department of the Navy, Real Estate Policy Division, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE, Suite 1000, Washington, DC 20374–5065; (202) 685–9200; VA: Ms. Amelia McLellan, Director, Real Property Service, (183C), Department of Veterans Affairs, 810 Vermont Avenue, NW. Room 419, Washington, DC 20420; (202) 565–5941; (These are not toll-free numbers).

Dated: February 28, 2002.

Mark R. Johnston,

Deputy Director, Office of Special Needs Assistance Programs.

Title V, Federal Surplus Property Program Federal Register Report for 3/8/02

Suitable/Available Properties

Buildings (by State)

Arizona

Bldg. 44414
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 21200210030
Status: Excess
Comment: 2 bdrm fourplex, 1,181 sq. ft. each, presence of asbestos/lead paint, most recent use—housing, off-site use only

Hawaii

Storage Shed
Pearl Harbor
505 Borie St.
Honolulu Co: HI 96818–
Landholding Agency: Navy
Property Number: 77200210076
Status: Excess
Comment: 130 sq. ft., possible asbestos/lead paint, off-site use only

Office/Conf. Bldg.
Pearl Harbor

505 Borie St.
Honolulu Co: HI 96818–
Landholding Agency: Navy
Property Number: 77200210077
Status: Excess
Comment: 2249 sq. ft., possible asbestos/lead paint, off-site use only

Living Quarters
Pearl Harbor
505 Borie St.
Honolulu Co: HI 96818–
Landholding Agency: Navy
Property Number: 77200210078
Status: Excess
Comment: 2960 sq. ft., possible asbestos/lead paint, off-site use only

Storage Bldg.
Pearl Harbor
505 Borie St.
Honolulu Co: HI 96818–
Landholding Agency: Navy
Property Number: 77200210079
Status: Excess
Comment: 306 sq. ft., public toilet with storage, possible asbestos/lead paint, off-site use only

Indiana

Bldg. 105, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230006
Status: Excess
Comment: 310 sq. ft., 1 story stone structure, no sanitary or heating facilities, Natl Register of Historic Places

Bldg. 140, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230007
Status: Excess
Comment: 60 sq. ft., concrete block bldg., most recent use—trash house

Bldg. 7
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810001
Status: Underutilized
Comment: 16,864 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 10
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810002
Status: Underutilized
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 11
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810003
Status: Underutilized
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 18
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810004
Status: Underutilized
Comment: 13,802 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 25
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810005
Status: Unutilized
Comment: 32,892 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Massachusetts

Bldg. 76
Army Soldier Systems Center
Natick Co: Middlesex MA 01760–
Landholding Agency: Army
Property Number: 21200210037
Status: Unutilized
Comment: 1000 sq. ft., most recent use—storage, off-site use only

New York

Bldgs. T–401, T–403
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210042
Status: Unutilized
Comment: 2305/2284 sq. ft., needs repair, most recent use—battalion hq bldg., off-site use only

Bldgs. T–404, T–406, T–407
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210043
Status: Unutilized
Comment: 2000/1144 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

Bldg. T–430
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210044
Status: Unutilized
Comment: 2731 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

4 Bldgs.
Fort Drum
T–431, T–432, T–433, T–434
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210045
Status: Unutilized
Comment: 1144 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

Bldg. T–435
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210046
Status: Unutilized
Comment: 2731 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

Bldgs. T–437, T–438
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210047
Status: Unutilized
Comment: 1144 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

Bldgs. T–439, T–460
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210048
Status: Unutilized
Comment: 2588/2734 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

4 Bldgs.
Fort Drum
T–461, T–462, T–463, T–464
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210049
Status: Unutilized
Comment: 1144 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

Bldg. T–465
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210050
Status: Unutilized
Comment: 2734 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

Bldg. T–405, T–408
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210051
Status: Unutilized
Comment: 1296 sq. ft., needs repair, most recent use—storage, off-site use only

6 Bldgs.
Fort Drum
T–410, T–411, T–412, T–416, T–417, T–418
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210052
Status: Unutilized
Comment: 4720 sq. ft., needs repair, most recent use—enlisted barracks AN TR, off-site use only

Bldg. T–421, T–422
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210053
Status: Unutilized
Comment: 2510 sq. ft., needs repair, most recent use—enlisted barracks AN TR, off-site use only

Bldgs. T–423, T424
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210054
Status: Unutilized
Comment: 4720 sq. ft., needs repair, most recent use—enlisted barracks AN TR, off-site use only

7 Bldgs.
Fort Drum
T–441, T–442, T–443, T–444, T–446–T–448
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army

Property Number: 21200210055
Status: Unutilized
Comment: 4720 sq. ft., needs repair, most recent use—enlisted barracks AN TR, off-site use only

6 Bldgs.
Fort Drum
T–451, T–452, T–453, T–454, T–456, T–458
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210056
Status: Unutilized
Comment: 4720 sq. ft., needs repair, most recent use—enlisted barracks AN TR, off-site use only

5 Bldgs.
Fort Drum
T–471, T–472, T–473, T–474, T–477
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210057
Status: Unutilized
Comment: 4720 sq. ft., needs repair, most recent use—enlisted barracks AN TR, off-site use only

Bldgs. T–420, T–445, T–470
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210058
Status: Unutilized
Comment: 2510 sq. ft., needs repair, most recent use—dining facility, off-site use only

Bldgs. T–440, T–450
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210059
Status: Unutilized
Comment: 2360 sq. ft., needs repair, most recent use—dining facility, off-site use only

Bldg. T–478
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200210060
Status: Unutilized
Comment: 4720 sq. ft., needs repair, most recent use—classroom, off-site use only

Ohio

Quarters 107
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Number: 21200210038
Status: Unutilized
Comment: 1490 sq. ft., needs major repairs, presence of lead paint, most recent use—residence, off-site use only

Pennsylvania

Bldg. 3, VAMC
1700 South Lincoln Avenue
Lebanon Co: Lebanon PA 17042–
Landholding Agency: VA
Property Number: 97199230012
Status: Underutilized
Comment: portion of bldg. (4046 sq. ft.), most recent use—storage, second floor—lacks elevator access

Wisconsin

Bldg. 237
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–5136
Landholding Agency: Army
Property Number: 21200210039
Status: Unutilized
Comment: 4986 sq. ft., needs major repair, presence of asbestos, most recent use—storage, off-site use only

Bldg. 752
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–5136
Landholding Agency: Army
Property Number: 21200210040
Status: Unutilized
Comment: 3663 sq. ft., needs major repair, presence of asbestos, most recent use—storage, off-site use only

Bldg. 2183
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–5136
Landholding Agency: Army
Property Number: 21200210041
Status: Unutilized
Comment: 693 sq. ft., needs major repair, presence of asbestos, most recent use—heat plant bldg., off-site use only

Bldg. 8
VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Landholding Agency: VA
Property Number: 97199010056
Status: Underutilized
Comment: 2200 sq. ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab

Land (by State)

Alabama

VA Medical Center
VAMC
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 97199010053
Status: Underutilized
Comment: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped

California

Land
4150 Clement Street
San Francisco Co: San Francisco CA 94121–
Landholding Agency: VA
Property Number: 97199240001
Status: Underutilized
Comment: 4 acres; landslide area

Iowa

40.66 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138–
Landholding Agency: VA
Property Number: 97199740002
Status: Underutilized
Comment: golf course, easement requirements

Maryland

VA Medical Center
9500 North Point Road
Fort Howard Co: Baltimore MD 21052–
Landholding Agency: VA
Property Number: 97199010020
Status: Underutilized
Comment: Approx. 10 acres, wetland and periodically floods, most recent use—dump site for leaves

Texas

Land
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504–
Landholding Agency: VA
Property Number: 97199010079
Status: Underutilized
Comment: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities

Wisconsin

VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Landholding Agency: VA
Property Number: 97199010054
Status: Underutilized
Comment: 12.4 acres, serves as buffer between center and private property, no utilities

Suitable/Unavailable Properties

Buildings (by State)

Alabama

Bldgs. 1001–1006, 1106–1107
Fort Rucker
Ft. Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 21200210027
Status: Unutilized
Comment: approx. 9000 sq. ft., poor condition, lead paint present, most recent use—warehouses, off-site use only

7 Bldgs.
Fort Rucker
116, 512, 3721, 3903, 1114, 1405A, 1423
Ft. Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 21200210028
Status: Unutilized
Comment: various sq. ft., poor condition, presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. 1102, 1104, 6021
Fort Rucker
Ft. Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 21200210029
Status: Unutilized
Comment: various sq. ft., need rehab, presence of asbestos/lead paint, most recent use—heat plant bldgs., off-site use only

Georgia

Bldg. 20802
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21200210078
Status: Unutilized
Comment: 740 sq. ft., needs repair, possible asbestos/lead paint, most recent use—storage, off-site, use only

Kansas

Bldg. P–469
Fort Leavenworth
Leavenworth Co: KS 66027–
Landholding Agency: Army

Property Number: 21200210031
Status: Unutilized
Comment: 625 sq. ft., most recent use—storage, off-site use only

Bldg. S–471
Fort Leavenworth
Leavenworth Co: KS 66027–
Landholding Agency: Army
Property Number: 21200210032
Status: Unutilized
Comment: 4535 sq. ft., most recent use—repair shop, off-site use only

Bldg. P–485
Fort Leavenworth
Leavenworth Co: KS 66027–
Landholding Agency: Army
Property Number: 21200210033
Status: Unutilized
Comment: 2006 sq. ft., most recent use—instructional, off-site use only

Bldg. S–486
Fort Leavenworth
Leavenworth Co: KS 66027–
Landholding Agency: Army
Property Number: 21200210034
Status: Unutilized
Comment: 960 sq. ft., most recent use—instructional, off-site use only

Bldg. S–496
Fort Leavenworth
Leavenworth Co: KS 66027–
Landholding Agency: Army
Property Number: 21200210035
Status: Unutilized
Comment: 7134 sq. ft., most recent use—vocational, off-site use only

Montana

VA MT Healthcare
210 S. Winchester
Miles City Co: Custer MT 59301–
Landholding Agency: VA
Property Number: 97200030001
Status: Underutilized
Comment: 18 buildings, total sq. ft. = 123,851, presence of asbestos, most recent use—clinic/office/food production

Wisconsin

Bldg. 2
VA Medical Center
500 West National Ave.
Milwaukee WI 53295–
Landholding Agency: VA
Property Number: 97199830002
Status: Underutilized
Comment: 133,730 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage

Land (by State)

Iowa

38 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138–
Landholding Agency: VA
Property Number: 97199740001
Status: Unutilized
Comment: golf course

Michigan

VA Medical Center
5500 Armstrong Road
Battle Creek Co: Calhoun MI 49016–
Landholding Agency: VA
Property Number: 97199010015
Status: Underutilized
Comment: 20 acres, used as exercise trails and storage areas, potential utilities.

New York

VA Medical Center
Fort Hill Avenue
Canandaigua Co: Ontario NY 14424–
Landholding Agency: VA
Property Number: 97199010017
Status: Underutilized
Comment: 27.5 acres, used for school ballfield and parking, existing utilities easements, portion leased.

Pennsylvania

VA Medical Center
New Castle Road
Butler Co: Butler PA 16001–
Landholding Agency: VA
Property Number: 97199010016
Status: Underutilized
Comment: Approx. 9.29 acres, used for patient recreation, potential utilities.

Land No. 645
VA. Medical Center
Highland Drive
Pittsburgh Co: Allegheny PA 15206–
Location: Between Campania and Wiltsie Streets.
Landholding Agency: VA
Property Number: 97199010080
Status: Unutilized
Comment: 90.3 acres, heavily wooded, property includes dump area and numerous site storm drain outfalls.

Land—34.16 acres
VA Medical Center
1400 Black Horse Hill Road
Coatesville Co: Chester PA 19320–
Landholding Agency: VA
Property Number: 97199340001
Status: Underutilized
Comment: 34.16 acres, open field, most recent use—recreation/buffer

Suitable/To Be Excessed

Buildings (by State)

Massachusetts

Cuttyhunk Boathouse
South Shore of Cuttyhunk
Pond
Gosnold Co: Dukes MA 02713–
Landholding Agency: DOT
Property Number: 87199310001
Status: Unutilized
Comment: 2700 sq. ft., wood frame, one story, needs rehab, limited utilities, off-site use only

Nauset Beach Light
Nauset Beach Co: Barnstable MA
Landholding Agency: DOT
Property Number: 87199420001
Status: Unutilized
Comment: 48 foot tower, cylindrical cast iron, most recent use—aid to navigation

Light Tower, Highland Light
Near Rt. 6, 9 miles south of
Race Point
North Truro Co: Barnstable MA 02652–
Landholding Agency: DOT
Property Number: 87199430005
Status: Excess
Comment: 66 ft. tower, 14′9″ diameter, brick structure, scheduled to be vacated 9/94

Keepers Dwelling
Highland Light
Near Rt. 6, 9 miles south of Race Point
North Truro Co: Barnstable MA 02652–
Landholding Agency: DOT
Property Number: 87199430006
Status: Excess
Comment: 1160 sq. ft., 2-story wood frame, attached to light tower scheduled to be vacated 9/94

Duplex Housing Unit
Highland Light
Near Rt. 6, 9 miles south of Race Point
North Truro Co: Barnstable MA 02652–
Landholding Agency: DOT
Property Number: 87199430007
Status: Excess
Comment: 2 living units, 930 sq. ft. each, 1-story each, located on eroding ocean bluff, scheduled to be vacated 9/94

Nahant Towers
Nahant Co: Essex MA
Landholding Agency: DOT
Property Number: 87199530001
Status: Unutilized
Comment: 196 sq. ft., 8-story observation tower

Land (by State)

Alaska

Gibson Cove Tract
Kodiak Co: AK 99619–
Landholding Agency: DOT
Property Number: 87199920001
Status: Unutilized
Comment: 37.55 acres, undeveloped land

Unsuitable Properties

Buildings (by State)

Alabama

Dwelling A
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120001
Status: Excess
Reason: Floodway

Dwelling B
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120002
Status: Excess
Reason: Floodway

Oil House
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120003
Status: Excess
Reason: Floodway

Garage
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120004
Status: Excess
Reason: Floodway

Shop Building
USCG Mobile Pt. Station

Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120005
Status: Excess
Reason: Floodway

Bldg. 7
VA Medical Center
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 97199730001
Status: Underutilized
Reason: Secured Area

Bldg. 8
VA Medical Center
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 97199730002
Status: Underutilized
Reason: Secured Area

Alaska

Bldg. 18
USCG Support Center
Kodiak Co: Kodiak Island AD 99619–5000
Landholding Agency: DOT
Property Number: 87199210132
Status: Excess
Reasons: Within airport runway clear zone; Secured Area
GSA Number: U–ALAS–655A

Boathouse
Coast Guard Station
Ketchikan
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200020001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 23
USCG Integrated Support Command
Kodiak Co: Kodiak Island AK 99619–
Landholding Agency: DOT
Property Number: 87200110009
Status: Excess
Reason: Extensive deterioration

Bldg. 25
USCG Integrated Support Command
Kodiak Co: Kodiak Island AK 99619–
Landholding Agency: DOT
Property Number: 87200110010
Status: Excess
Reason: Extensive deterioration

Bldg. 52
Integrated Support Command
Kodiak Co: AK 99615–
Landholding Agency: DOT
Property Number: 87200110012
Status: Unutilized
Reason: Extensive deterioration

Barracks
LORAN Station
Sitkinak Island Co: AK
Landholding Agency: DOT
Property Number: 87200120007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Floodway; Extensive deterioration

Incinerator Bldg.
LORAN Station
Sitkinak Island Co: AK
Landholding Agency: DOT
Property Number: 87200120008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Floodway; Extensive deterioration

Signal/Power Bldg.
LORAN Station
Sitkinak Island Co: AK
Landholding Agency: DOT
Property Number: 87200120009
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Floodway; Extensive deterioration

Transmitter Bldg.
LORAN Station
Sitkinak Island Co: AK
Landholding Agency: DOT
Property Number: 87200120010
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Floodway; Extensive deterioration

Waste Water Treatment Bldg.
LORAN Station
Sitkinak Island Co: AK
Landholding Agency: DOT
Property Number: 87200120011
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Floodway; Extensive deterioration

Bldg. V001
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140001
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. T003, T004
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140002
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. B001
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140003
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. B002
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140004
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. B003
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140005
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. B004
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140006
Status: Excess
Reasons: Secured Area

Bldg. B006
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140007
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. B008
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140008
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. B009
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140009
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. B011
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140010
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. B012
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140011
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. B000
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140012
Status: Excess
Reason: Extensive deterioration

California

10 Bldg.
USCG Station Humboldt Bay
Samoa Co: Humboldt CA 95564–9999
Landholding Agency: DOT
Property Number: 87199440027
Status: Excess
Reason: Extensive deterioration
Comment: Land to be relinquished to BLM (Public Domain Land)

Alemeda Facility
350 S. Santa Fe Drive
Denver Co: Denver CO 80223–
Landholding Agency: DOT
Property Number: 87199010014
Status: Unutilized
Reason: Other environmental
Comment: contamination

Connecticut

Falkner Island Light
U.S. Coast Guard

Guilford Co: New Haven CT 06512–
Landholding Agency: DOT
Property Number: 87199240031
Status: Unutilized
Comment: Floodway

Florida

Bldg. #3, Recreation Cottage
USCG Station
Marathon Co: Monroe FL 33050–
Landholding Agency: DOT
Property Number: 871999210008
Status: Unutilized
Reasons: Floodway; Secured Area

Exchange Building
St. Petersburg Co: Pinellas FL 33701–
Landholding Agency: DOT
Property Number: 87199410004
Status: Unutilized
Reasons: Floodway; Secured Area

Bldg. 103, Trumbo Point
Key West Co: Monroe FL 33040–
Landholding Agency: DOT
Property Number: 87199230001
Status: Unutilized
Reasons: Flodway; Secured Area

Exchange Building
St. Petersburg Co: Pinellas FL 33701–
Landholding Agency: DOT
Property Number: 87199410004
Status: Unutilized
Reason: Floodway

9988 Keepers Quarters A
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440009
Status: Underutilized
Reasons: Floodway; Secured Area

9989 Keepers Quarters B
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440010
Status: Underutilized
Reasons: Floodway; Secured Area

9990 Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440011
Status: Underutilized
Reasons: Floodway; Secured Area

9991 Plant Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440012
Status: Underutilized
Reasons: Floodway; Secured Area

9992 Shop Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440013
Status: Underutilized
Reasons: Floodway; Secured Areas

9993 Shop Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440014
Status: Underutilized
Reasons: Floodway; Secured Areas

9994 Water Pump Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440015
Status: Underutilized
Reasons: Floodway; Secured Areas

Storage Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440016
Status: Underutilized
Reasons: Floodway; Secured Areas

9999 Shop Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440017
Status: Underutilized
Reasons: Floodway; Secured Areas

3 Bldgs, and Land
Peanut Island Station
Riveria Beach Co: Palm Beach FL 33419–0909
Landholding Agency: DOT
Property Number: 87199510009
Status: Underutilized
Reasons: Floodway; Secured Areas

Cape St. George Lighthouse
Co: Franklin FL 32328–
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199640002
Status: Underutilized
Reasons: Floodway; Secured Areas

Maint/Carpentry Shop
USCG Station
St. Petersburg Co: Pinellas FL 33701–
Landholding Agency: DOT
Property Number: 8720012001
Status: Excess
Reasons: Secured Area; Extensive deterioration

Georgia

Coast Guard Station
St. Simons Island
Co: Glynn GA 31522–0577
Landholding Agency: DOT
Property Number: 87199540002
Status: Underutilized
Reasons: Extensive deterioration

Illinois

Calumet Harbor Station
U.S. Coast Guard
Chicago Co: Cook IL
Landholding Agency: DOT
Property Number: 87199310005
Status: Excess
Reason: Secured Area

Indiana

Bldg. 21, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230001
Status: Excess
Reason: Extensive deterioration

Bldg. 22, VA Medical Center
East 38th Street
Marion Co: Grant IN 46951–
Landholding Agency: VA
Property Number: 97199230002
Status: Excess
Reason: Extensive deterioration

Bldg. 62, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230003
Status: Excess
Reason: Extensive deterioration

Maine

Supply Bldg., Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 87199240005
Status: Unutilized
Reason: Floodway

Base Exchange, Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 87199240006
Status: Unutilized
Reason: Floodway

Engineering Shop, Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04779–5000
Landholding Agency: DOT
Property Number: 87199240007
Status: Unutilized
Reason: Floodway

Storage Bldg., Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 87199240008
Status: Unutilized
Reason: Floodway

Squirrel Point Light
U.S. Coast Guard
Phippsburg Co: Sayadahoc ME 04530–
Landholding Agency: DOT
Property Number: 87199240032
Status: Unutilized
Reason: Floodway

Keepers Dwelling
Heron Neck Light, U.S. Coast Guard
Vinalhaven Co: Knox ME 04841–
Landholding Agency: DOT
Property Number: 87199240035
Status: Unutilized
Reason: Extensive deterioration

Fort Papham Light
Phippsburg Co: Sagadahoc ME 04562–
Landholding Agency: DOT
Property Number: 87199320024
Status: Unutilized
Reason: Extensive deterioration

Nash Island Light
U.S. Coast Guard
Addison Co: Washington ME 04606–
Landholding Agency: DOT
Property Number: 87199420005
Status: Unutilized
Reason: Inaccessible

Bldg.—South Portland Base
U.S. Coast Guard
S. Portland Co: Cumberland ME 04106–
Landholding Agency: DOT

Property Number: 87199420006
Status: Unutilized
Reason: Secured Area

Garage—Boothbay Harbor Stat.
Boothbay Harbor Co: Lincoln ME 04538–
Landholding Agency: DOT
Property Number: 87199430001
Status: Unutilized
Reason: Secured Area

Maryland

Bldgs. 38–39, 41, 43–46, 56
U.S. Coast Guard Yard
Baltimore, MD 21226–
Landholding Agency: DOT
Property Number: 87199540005
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 53
U.S. Coast Guard Yard
Baltimore, MD 21226–
Landholding Agency: DOT
Property Number: 87199540006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 6
U.S. Coast Guard Yard, 2401
Hawkins Point Rd.
Baltimore, MD 21226–1797
Landholding Agency: DOT
Property Number: 87199620001
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 59
U.S. Coast Guard Yard, 2401
Hawkins Point Rd.
Baltimore, MD 21226–1797
Landholding Agency: DOT
Property Number: 87199620002
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

5 Bldgs.
USCG Yard
#9, 21, 23, 52, 57
Baltimore Co: MD 21226–
Landholding Agency: DOT
Property Number: 87200120002
Status: Unutilized
Reason: Extensive deterioration

Massachusetts

Bldg. 4, USCG Support Center
Commercial Street
Boston Co: Suffolk MA 02203–
Landholding Agency: DOT
Property Number: 87199240001
Status: Underutilized
Reason: Secured Area

Eastern Point Light
U.S. Coast Guard
Gloucester Co: Essex MA 01930–
Landholding Agency: DOT
Property Number: 87199240029
Status: Unutilized
Reasons: Floodway; Secured Area

Storage Shed
Highland Light
N. Truro Co: Barnstable MA 02652–
Location: DeSoto Johnson KS66018–
Landholding Agency: DOT
Property Number: 87199430004
Status: Unutilized
Reason: Extensive deterioration

Westview Street Wells
Lexington Co: MA 02173–
Landholding Agency: VA
Property Number: 97199920001
Status: Unutilized
Reason: Extensive deterioration

Michigan

Boathouse
Coast Guard Station
East Tawas Co: Iosco MI 48730–
Landholding Agency: DOT
Property Number: 87200040003
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Storage Shed (OS2)
USCG Station
Port Huron Co: St. Clair MI 48060–
Landholding Agency: DOT
Property Number: 87200110036
Status: Unutilized
Reasons: Floodway; Secured Area

Station Bldg.
USCG Station
Manistee Co: MI 49660–
Landholding Agency: DOT
Property Number: 87200120003
Status: Unutilized
Reasons: Floodway; Secured Area

Garage Bldg.
USCG Station
Manistee Co: MI 49660–
Landholding Agency: DOT
Property Number: 87200120004
Status: Unutilized
Reasons: Floodway; Secured Area

Shed/Pump Bldg.
USCG Station
Manistee Co: MI 49660–
Landholding Agency: DOT
Property Number: 87200120005
Status: Unutilized
Reasons: Floodway; Secured Area

Storage Bldg.
USCG Station
Manistee Co: MI 49660–
Landholding Agency: DOT
Property Number: 87200120006
Status: Unutilized
Reasons: Floodway; Secured Area

Station/boathouse Bldg.
USCG Harbor Beach Station
Harbor Beach Co: Huron MI 48441–
Landholding Agency: DOT
Property Number: 87200130001
Status: Unutilized
Reasons: Floodway; Extensive deterioration

Calfac Building
Keweenaw Peninsula Waterway
Hancock Township Co: Houghton MI
Landholding Agency: DOT
Property Number: 87200140013
Status: Unutilized
Reason: Secured Area

Storage Bldg.
US Coast Guard Station
Essexville Co: Bay MI 48732–
Landholding Agency: DOT
Property Number: 87200210011
Status: Excess
Reason: Secured Area

Mississippi

Natchez Moorings
82 L.E. Berry Road
Natchez Co: Adams MS 39121–
Landholding Agency: DOT
Property Number: 87199340002
Status: Unutilized
Reason: Extensive deterioration

Bldg. 6, Boiler Plant
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 97199410001
Status: Unutilized
Reason: Floodway

Bldg. 67
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 97199410008
Status: Unutilized
Reason: Extensive deterioration

Bldg. 68
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 97199410009
Status: Unutilized
Reason: Extensive deterioration

Piers and Wharf
Station Sandy Hook
Highlands Co: Monmouth NJ 07732–5000
Landholding Agency: DOT
Property Number: 87199240009
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Chapel Hill Front Range
Light Tower
Middletown Co: Monmouth NJ 07748–
Landholding Agency: DOT
Property Number: 87199440002
Status: Unutilized
Reason: Skeletal tower

Bldg. 103
U.S. Coast Guard Station
Sandy Hook
Middletown Co: Monmouth NJ 07737–
Landholding Agency: DOT
Property Number: 87199610002
Status: Unutilized
Reason: Secured Area

Ship Stg. Bldg.
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200110018
Status: Excess
Reason: Secured Area

Exchange Whse
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200110019
Status: Excess
Reason: Secured Area

Patrol Boat Bldg.
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200110020
Status: Excess

Reason: Secured Area

Station Bldg.
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200110021
Status: Excess
Reason: Secured Area

ANT Bldg.
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200110022
Status: Excess
Reason: Secured Area

Quarters C
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200120012
Status: Excess
Reason: Secured Area

Central Heating Plant
USCG Training Center
Cape May Co: NY 08204–5002
Landholding Agency: DOT
Property Number: 87200120013
Status: Excess
Reason: Secured Area

Hangar/Shop
USCG Training Center
Cape May Co: NY 08204–5002
Landholding Agency: DOT
Property Number: 87200120014
Status: Excess
Reason: Secured Area

New York

Bldg. 194
Brookhaven National Lab
Upton Co: Suffolk NY 11973–
Landholding Agency: Energy
Property Number: 41200210009
Status: Unutilized
Reason: Extensive deterioration

Bldg. 318
Brookhaven National Lab
Upton Co: Suffolk NY 11973–
Landholding Agency: Energy
Property Number: 41200210010
Status: Unutilized
Reason: Extensive deterioration

Bldg. 0426
Brookhaven National Lab
Upton Co: Suffolk NY 11973–
Landholding Agency: Energy
Property Number: 41200210011
Status: Unutilized
Reason: Extensive deterioration

Bldg. 960
Brookhaven National Lab
Upton Co: Suffolk NY 11973–
Landholding Agency: Energy
Property Number: 41200210012
Status: Unutilized
Reason: Extensive deterioration

Bldg. 962
Brookhaven National Lab
Upton Co: Suffolk NY 11973–
Landholding Agency: Energy
Property Number: 41200210013
Status: Unutilized
Reason: Extensive deterioration

2 Buildings
Ant Saugerties
Saugerties Co: Ulster NY 12477–
Landholding Agency: DOT
Property Number: 87199230005
Status: Unutilized
Reason: Extensive deterioration

Bldg. 606, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 87199240020
Status: Unutilized
Reason: Extensive deterioration

Bldg. 607, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 87199240021
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Bldg. 605, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 87199240022
Status: Unutilized
Reasons: Extensive deterioration; Secured Area

Eatons Neck Station
U.S. Coast Guard
Huntington Co: Suffolk NY 11743–
Landholding Agency: DOT
Property Number: 87199310003
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 517, USCG Support Center
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 87199320025
Status: Unutilized
Reason: Secured Area

Bldg. 138
U.S. Coast Guard Support Center
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 87199410003
Status: Unutilized
Reason: Secured Area

Bldg. 830
U.S. Coast Guard
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 87199420004
Status: Unutilized
Reason: Secured Area

Bldg. 8
Rosebank—Coast Guard Housing
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199530009
Status: Unutilized
Reason: Secured Area

Bldg. 7
Rosebank—Coast Guard Housing
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199530010
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 222
Fort Wadsworth
Staten Island Co: Richmond NY 10305–
Landholding Agency: DOT
Property Number: 87199620003
Status: Unutilized
Reason: Secured Area

Bldg. 223
Fort Wadsworth
Staten Island Co: Richmond NY 10305–
Landholding Agency: DOT
Property Number: 87199620004
Status: Unutilized
Reason: Secured Area

Bldg. 205
Fort Wadsworth
Staten Island Co: Richmond NY 10305–
Landholding Agency: DOT
Property Number: 87199620005
Status: Unutilized
Reason: Secured Area

Bldg. 9
U.S. Coast Guard—Rosebank
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199630027
Status: Excess
Reason: Secured Area

Bldg. 10
U.S. Coast Guard—Rosebank
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199630028
Status: Excess
Reason: Secured Area

Bldg. 206, Rosebank
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199630029
Status: Excess
Reason: Secured Area

Cottage
Coast Guard Station
Wellesley Island Co: Jefferson NY 13640–
Landholding Agency: DOT
Property Number: 8719940001
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Group Cape Hatteras
Boiler Plant
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 8719920018
Status: Unutilized
Reason: Secured Area

Group Cape Hatteras
Bowling Alley
Buxon Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 8719920019
Status: Unutilized
Reason: Secured Area

Bldg. 54
Group Cape Hatteras
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 87199340004
Status: Unutilized
Reason: Secured Area

Bldg. 83
Group Cape Hatteras
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property number: 87199340005
Status: Unutilized

Reason: Secured Area

Water Tanks
Group Cape Hatteras
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property number: 87199340006
Status: Unutilized
Reason: Secured Area

USCG Gentian (WLB 290)
Fort Macon State Park
Atlantic Beach Co: Carteret NC 27601–
Landholding Agency: DOT
Property number: 8719942007
Status: Excess
Reason: Secured Area

Unit #71
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property number: 87199530011
Status: Unutilized
Reason: Floodway

Unit #72
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property number: 87199530012
Status: Unutilized
Reason: Floodway

Unit #73
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property number: 87199530013
Status: Unutilized
Reason: Floodway

Unit #74
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property number: 87199530014
Status: Unutilized
Reason: Floodway

Unit #75
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property number: 87199530015
Status: Unutilized
Reason: Floodway

Unit #63
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property number: 87199530016
Status: Unutilized
Reason: Floodway

Unit #64
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530017
Status: Unutilized
Reason: Floodway

Unit #76
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530018
Status: Unutilized
Reason: Floodway

Unit #68
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530019
Status: Unutilized
Reason: Floodway

Unit #69
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530020
Status: Unutilized
Reason: Floodway

Unit #70
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530021
Status: Unutilized
Reason: Floodway

Unit #77
Buxton Annex, Old Lighthouse Road
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530022
Status: Unutilized
Reason: Floodway

Unit #78
Buxton Annex, Old Lighthouse Road
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530023
Status: Unutilized
Reason: Floodway

Bldg. 53
Coast Guard Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 87199630022
Status: Unutilized
Reason: Secured Area

Bldg. OV1 (033)
USCG Cape Hatteras
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 87200210012
Status: Underutilized
Reason: Secured Area

Storage Bldg.
USCG Loran Station
Carolina Beach Co. New Hanover NC
Landholding Agency: DOT
Property Number: 87200210013
Status: Underutilized
Reason: Secured Area

MK Shed
USCG Loran Station
Carolina Beach Co. New Hanover NC
Landholding Agency: DOT
Property Number: 87200210014
Status: Underutilized
Reason: Secured Area

Bldg. 9
VA Medical Center
1100 Tunnel Road
Asheville Co: Buncombe NC 28805–
Landholding Agency: VA
Property Number: 97199010008
Status: Unutilized
Reason: Extensive deterioration

Ohio

Bldg. 116
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920002
Status: Unutilized
Reason: Extensive deterioration

Bldg. 402
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920004
Status: Unutilized
Reason: Extensive deterioration

Bldg. 105
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920005
Status: Unutilized
Reason: Extensive deterioration

Oregon

Bldg. 8
USCG Tongue Point Moorings
Astoria Co: OR 97103–2099
Landholding Agency: DOT
Property Number: 87199910001
Status: Unutilized
Reason: Extensive deterioration

Duplex
Cape Blanco
Sixes Co: Curry OR 97465–
Landholding Agency: DOT
Property Number: 87199940002
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5
Coast Guard Group
Astoria Co: OR 97103–
Landholding Agency: DOT
Property Number: 87200210015
Status: Underutilized
Reason: Secured Area

Pennsylvania

Bldg. 483
Naval Surface Warfare Center
Philadelphia Co: PA 19111–2
Landholding Agency: Navy
Property Number: 77200210082
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 530
Naval Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200210083
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 615
Naval Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200210084
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 618
Naval Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy

Property Number: 77200210085
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 743
Naval Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200210086
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Puerto Rico

NAFA Warehouse
U.S. Coast Guard Air Station
Borinquen
Aquadilla PR 00604–
Landholding Agency: DOT
Property Number: 87199310011
Status: Unutilized
Reason: Secured Area

Storage Equipment Bldg.
U.S. Coast Guard Air Station
Borinquen
Aquadilla PR 00604–
Landholding Agency: DOT
Property Number: 87199330001
Status: Unutilized
Reason: Secured Area

Bldg. 115
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510001
Status: Unutilized
Reason: Secured Area

Bldg. 117
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510002
Status: Unutilized
Reason: Secured Area

Bldg. 118
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510003
Status: Unutilized
Reason: Secured Area

Bldg. 119
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510004
Status: Unutilized
Reason: Secured Area

Bldg. 120
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510005
Status: Unutilized
Reason: Secured Area

Bldg. 122
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510006
Status: Unutilized
Reason: Secured Area

Bldg. 128
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510007
Status: Unutilized
Reason: Secured Area

Bldg. 129
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510008
Status: Unutilized
Reason: Secured Area

Rhode Island

Station Point Judith Pier
Narranganset Co: Washington RI 02882–
Landholding Agency: DOT
Property Number: 87199310002
Status: Unutilized
Reason: Extensive deterioration

Texas

Old Exchange Bldg.
Galveston Co: Galveston TX 77553–3001
Landholding Agency: DOT
Property Number: 87199310012
Status: Unutilized
Reason: Secured Area

WPB Building
Station Port Isabel
Coast Guard Station
South Padre Island Co: Cameron TX 78597–6497
Landholding Agency: DOT
Property Number: 87199530002
Status: Unutilized
Reason: Floodway

Aton Shops Building
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property number: 87199530003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

WPB Storage Shed
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property number: 87199530004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Flammable Storage Building
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property number: 87199530005
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Battery Storage Building
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property number: 87199530006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Boat House
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property number: 87199530007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Small Boat Pier
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property number: 87199530008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 108
Fort Crockett/43rd St.
Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: DOT
Property number: 87199630008
Status: Unutilized
Reason: Extensive deterioration

Vermont

Depot Street
Downtown at the Waterfront
Burlington Co: Chittenden VT 05401–5226
Landholding Agency: DOT
Property number: 87199220003
Status: Excess
Reason: Floodway

Virginia

Bldg. 052 & Tennis Court
USCG Reserve Training Center
Yorktown Co: York VA 23690–
Landholding Agency: DOT
Property number: 87199230004
Status: Excess
Reason: Secured Area

Admin. Bldg.
Coast Guard, Group Eastern
Shores
Chincoteague Co: Accomack VA 23361–510
Landholding Agency: DOT
Property Number: 87199120014
Status: Unutilized
Reason: Secured Area

Little Creek Station
Navamphib Base, West Annex,
U.S. Coast Guard
Norfolk Co: Princess Anne VA 23520–
Landholding Agency: DOT
Property Number: 87199310004
Status: Unutilized
Reason: Secured Area

Operations Bldg.
U.S. Coast Guard Group
Hampton Roads
Portsmouth VA 23703–
Landholding Agency: DOT
Property Number: 87199710003
Status: Unutilized
Reason: Secured Area

Bldgs. 63, 115
USCG Training Center
Yorktown Co: York VA 23690–5000
Landholding Agency: DOT
Property Number: 87200110037
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 156
USCG Training Center
Yorktown
Yorktown Co: York VA 23690–5000
Landholding Agency: DOT
Property Number: 87200120015
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Washington

Avionics Shop
Coast Guard Air Station
Port Angeles Co: Clallam WA 98362–
Landholding Agency: DOT
Property Number: 87200110023
Status: Unutilized
Reason: Secured Area

Storage Bldg.
Coast Guard Air Station
Port Angeles Co: Clallam WA 98362–
Landholding Agency: DOT
Property Number: 87200110024
Status: Underutilized
Reason: Secured Area

Maint. Work Shop
Coast Guard Air Station
Port Angeles Co: Clallam WA 98362–
Landholding Agency: DOT
Property Number: 87200110025
Status: Underutilized
Reason: Secured Area

Wisconsin

Rawley Point Light
Two Rivers Co: Manitowoc WI
Landholding Agency: DOT
Property Number: 87199540004
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Unsuitable Properties

LAND (by State)

Alaska

Russian Creek Aggregate Site
USCG Support Center Kodiak
Kodiak Co: Kodiak AK 99619–
Landholding Agency: DOT
Property Number: 87199440025
Status: Excess
Reason: Floodway.

Sargent Creek Aggregate Site
USCG Support Center Kodiak
Kodiak Co: Kodiak AK 99619–
Landholding Agency: DOT
Property Number: 87199440026
Status: Excess
Reason: Floodway.

Arizona

58 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313–
Landholding Agency: VA
Property Number: 97190630001
Status: Unutilized
Reason: Floodway

20 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313–
Landholding Agency: VA
Property Number: 9719063002
Status: Underutilized
Reason: Floodway

Florida

Land—approx. 220 acres
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440018
Status: Underutilized
Reason: Floodway; Secured Area

Wildlife Sanctuary, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504–
Landholding Agency: VA
Property Number: 97199230004
Status: Underutilized
Reason: Inaccessible

Michigan

Middle Marker Facility
Yipsilanti Co: Washtenaw MI 48198–
Location: 549 ft. north of intersection of Coolidge and Bradley Ave. on East side of street
Landholding Agency: DOT
Property Number: 87199120006
Status: Unutilized
Reason: Within airport runway clear zone

Minnesota

3.85 acres (Area #2)
VA Medical Center
4801 8th Street
St. Cloud Co: Stearns MN 56303–
Landholding Agency: VA
Property Number: 97199740004
Status: Unutilized
Reason: landlocked

7.48 acres (Area #1)
VA Medical Center
4801 8th Street
St. Cloud Co: Stearns MN 56303–
Landholding Agency: VA
Property Number: 97199740005
Status: Underutilized
Reason: Secured Area

New York

Track 1
VA Medical Center
Bath Co: Steuben NY 14820–
Location: Exit 38 off New York State Route 17
Landholding Agency: VA
Property Number: 97199010011
Status: Underutilized
Reason: Secured Area

Track 2
VA Medical Center
Bath Co: Steuben NY 14820–
Location: Exit 38 off New York State Route 17
Landholding Agency: VA
Property Number: 97199010012
Status: Underutilized
Reason: Secured Area

Track 3
VA Medical Center
Bath Co: Steuben NY 14820–
Location: Exit 38 off New York State Route 17
Landholding Agency: VA
Property Number: 97199010013
Status: Underutilized
Reason: Secured Area

Track 4
VA Medical Center
Bath Co: Steuben NY 14820–
Location: Exit 38 off New York State Route 17
Landholding Agency: VA
Property Number: 97199010014
Status: Underutilized
Reason: Secured Area

North Carolina

5 (0.91) Parcels
Marine Corps Base
Camp Lejeune Co: NC
Landholding Agency: Navy
Property Number: 77200210080
Status: Underutilized
Reason: Secured Area

3 (0.91) Parcels
Marine Corps Base
Greater Sandy Run
Camp Lejeune Co: NC
Landholding Agency: Navy
Property Number: 77200210081
Status: Underutilized
Reason: Within airport runway clear zone; Secured Area

[FR Doc. 02–5268 Filed 3–7–02; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Exxon Valdez Oil Spill Trustee Council; Invitation for Proposals

AGENCY: Department of the Interior, Office of the Secretary.

ACTION: Notice.

SUMMARY: The Exxon Valdez Oil Spill Trustee Council is asking the public, private organizations, and government agencies to submit proposals for restoration of resources and services injured by the Exxon Valdez oil spill. The Invitation to Submit Restoration Proposals for Federal Fiscal Year 2003, a booklet explaining the process, is available from the Trustee Council office or from the Trustee Council Internet site.

DATES: Proposals are due April 15, 2002.

ADDRESSES: Exxon Valdez Oil Spill Trustee Council, 441 West 5th Avenue, Suite 500, Anchorage, Alaska 99501.

FOR FURTHER INFORMATION CONTACT: The Restoration Office, (907) 278–8012 or toll free at (800) 478–7745 (in Alaska) or (800) 283–7745 (outside Alaska) or via e-mail at *restoration@oilspill.state.ak.us* or via Internet at *www.oilspill.state.ak.us.*

SUPPLEMENTARY INFORMATION: Following the Exxon Valdez oil spill in March 1989, a Trustee Council of three state and three federal trustees, including the Secretary of the Interior, was formed. The Trustee Council prepared a restoration plan for the injured resources and services within the oil spill area. The restoration plan calls for annual work plans identifying projects to accomplish restoration. Each year proposals for restoration projects are solicited from a variety of organizations, including the public.

Dated: March 4, 2002.

Willie R. Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 02–5478 Filed 3–7–02; 8:45 am]

BILLING CODE 4310–RG–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Application

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of application.

The following applicant has applied for a permit amendment to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

Permit Number TE 049738

Applicant: Mainstream Commercial Divers, Inc., Murray, Kentucky.

The applicant requests a permit to take (collect) all endangered and threatened mussel species throughout eastern and central United States. Activities are proposed for studies to identify populations of listed species and to develop methods to minimize or avoid project related impacts to those populations. The scientific research is aimed at enhancement of survival of the species in the wild.

Written data or comments should be submitted to the Regional Director, U.S. Fish and Wildlife Service, Ecological Services, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056, and must be received within 30 days of the date of this publication.

Documents and other information submitted with this application are available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Ecological Services, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056. Telephone: (612) 713–5343; FAX: (612) 713–5292.

Dated: February 15, 2002.

Charles M. Wooley,

Assistant Regional Director, Ecological Services, Region 3, Fort Snelling, Minnesota.

[FR Doc. 02–5569 Filed 3–7–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Rate Adjustments for Indian Irrigation Projects

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of proposed rate adjustments.

SUMMARY: The Bureau of Indian Affairs (BIA) owns, or has an interest in, irrigation facilities located on various Indian reservations throughout the United States where rates are established to recover its costs to administer, operate, maintain, and rehabilitate those facilities. We propose to publicize rate adjustments once a year for all of these facilities instead of several times during the year for individual facilities. We request your comments on the proposed rate adjustments.

DATES: Interested parties may submit comments on the proposed rate adjustments on or before May 7, 2002.

ADDRESSES: All comments on the proposed rate adjustments must be in writing and addressed to: Terrance Virden, Director, Office of Trust Responsibilities, Attn.: Irrigation and Power, MS–3061–MIB, Code 210, 1849 C Street, NW, Washington, DC 20240; Telephone (202) 208–5480.

FOR FURTHER INFORMATION CONTACT: For details about a particular irrigation project, please use the tables in **SUPPLEMENTARY INFORMATION** section to contact the regional or local office where the project is located.

SUPPLEMENTARY INFORMATION: The tables in this notice list the irrigation project contacts where the BIA recovers its costs for local administration, operation, maintenance, and rehabilitation, the current irrigation assessment rates, and the proposed rates for the 2002 irrigation season and subsequent years where applicable.

What Are Some of the Terms I Should Know for This Notice?

The following are terms we use that may help you understand how we are applying this notice.

Administrative costs means all costs we incur to administer our irrigation projects at the local project level. Local project level does not normally include the Agency, Region, or Central Office costs unless we state otherwise in writing.

Assessable acres means lands designated by us to be served by one of our irrigation projects and to which we provide irrigation service and recover our costs. (*See Total assessable acres.*)

BIA means the Bureau of Indian Affairs.

Bill means our statement to you of the assessment charges and/or fees you owe the United States for administration, operation, maintenance, and/or rehabilitation. The date we mail or hand deliver your bill will be stated on it.

Costs means the costs we incur for administration, operation, maintenance, and rehabilitation to provide direct support or benefit to an irrigation facility.

Customer means any person or entity that we provide irrigation service to.

Due date is the date on which your bill is due and payable. This date will be stated on your bill.

I, me, my, you, and your means all interested parties, especially persons or entities that we provide irrigation service to and receive beneficial use of our irrigation projects affected by this notice and our supporting policies, manuals, and handbooks.

Irrigation project means, for the purposes of this notice, the facility or portions thereof, that we own, or have an interest in, including all appurtenant works, for the delivery, diversion, and storage of irrigation water to provide irrigation service to customers for which we assess periodic charges to recover our costs to administer, operate, maintain, and rehabilitate. These projects may be referred to as facilities, systems, or irrigation areas.

Irrigation service means the full range of services we provide customers of our irrigation projects, including, but not limited to, water delivery. This includes our activities to administer, operate, maintain, and rehabilitate our projects.

Maintenance costs means all costs we incur to maintain and repair our irrigation projects and equipment of our irrigation projects and is a cost factor included in calculating your O&M assessment.

Must means an imperative or mandatory act or requirement.

Operation and maintenance (O&M) assessment means the periodic charge you must pay us to reimburse our costs.

Operation or operating costs means costs we incur to operate our irrigation projects and equipment and is a cost factor included in calculating your O&M assessment.

Past due bill means a bill that has not been paid by the close of business on the 30th day after the due date, as stated on the bill. Beginning on the 31st day after the due date we begin assessing additional charges accruing from the due date.

Rehabilitation costs means costs we incur to restore our irrigation projects or features to original operating condition or to the nearest state which can be achieved using current technology and is a cost factor included in calculating your O&M assessment.

Total assessable acres means the total acres served by one of our irrigation projects. (*See assessable acres.*)

Total O&M cost means the total of all the allowable and allocatable costs we incur for administering, operating, maintaining, and rehabilitating our irrigation projects serving your farm unit.

Water means water we deliver at our projects for the general purpose of irrigation and other purposes we agree to in writing.

Water delivery is an activity that is part of the irrigation service we provide our customers when water is available.

We, us, and our means the United States Government, the Secretary of the Interior, the BIA, and all who are authorized to represent us in matters covered under this notice.

Does This Notice Affect Me?

This notice affects you if you own or lease land within the assessable acreage of one of our irrigation projects, or you have a carriage agreement with one of our irrigation projects.

Where Can I Get Information on the Regulatory and Legal Citations in This Notice?

You can contact the appropriate office(s) stated in the tables for the irrigation project that serves you, or you can use the Internet site for the Government Printing Office at *http://www.gpo.gov.*

Why Are You Publishing This Notice?

We are publishing this to notify you that we propose to adjust one or more of our irrigation assessment rates. We are publishing this notice in accordance with the BIA's regulations governing its operation and maintenance of irrigation projects, specifically, 25 CFR 171.1. These sections provide for the fixing and announcing of the rates for annual assessments and related information for our irrigation projects.

What Authorizes You To Issue This Notice?

Our authority to issue this notice is vested in the Secretary of the Interior by 5 U.S.C. 301 and the Act of August 14, 1914 (38 Stat. 583; 25 U.S.C. 385). The Secretary has in turn delegated this authority to the Assistant Secretary—Indian Affairs under Part 209, Chapter 8.1A, of the Department of the Interior's Departmental Manual and by memorandum dated January 25, 1994, from the Chief of Staff, Department of the Interior, to Assistant Secretaries, and Heads of Bureaus and Offices.

When Will You Put the Rate Adjustments Into Effect?

We will put the rate adjustments into effect after considering comments we receive and publishing a final notice. The adjustments will be retroactive to January 1, 2002.

How Do You Calculate Irrigation Rates?

We calculate irrigation assessment rates in accordance with 25 CFR 171.1(f) by estimating the cost of normal operation and maintenance at each of our irrigation projects. The cost of normal operation and maintenance means the expenses we incur to provide direct support or benefit for an irrigation project's activities for administration, operation, maintenance, and rehabilitation. These costs are then applied as stated in the rate table in this notice.

What Kinds of Expenses Do You Include in Determining the Estimated Cost of Normal Operation and Maintenance?

We include the following expenses:

(a) Personnel salary and benefits for the project engineer/manager and project employees under their management control;

(b) Materials and supplies;

(c) Major and minor vehicle and equipment repairs;

(d) Equipment, including transportation, fuel, oil, grease, lease and replacement;

(e) Capitalization expenses;

(f) Acquisition expenses;

(g) Maintenance of a reserve fund available for contingencies or emergency expenses for, and insuring, reliable operation of the irrigation project; and

(h) Other expenses we determine necessary to properly perform the activities and functions characteristic of an irrigation project.

When Should I Pay My Irrigation Assessment?

We will mail or hand deliver your bill notifying you of the amount you owe to the United States and when such amount is due. If we mail your bill, we will consider it as being delivered no later than 5 business days after the day we mail it. You should pay your bill no later than the close of business on the 30th day after the due date stated on the bill.

What Information Must I Provide for Billing Purposes?

We must obtain certain information from you to ensure we can properly process, bill for, and collect money owed to the United States. We are required to collect the taxpayer identification number or social security number to properly bill the responsible party and service the account under the authority of, and as prescribed in, Public Law 104–143, the Debt Collection Improvement Act of 1996.

(a) At a minimum, this information is:

(1) Full legal name of person or entity responsible for paying the bill;

(2) Adequate and correct address for mailing or hand delivering our bill; and

(3) The taxpayer identification number or social security number of the person or entity responsible for paying the bill.

(b) It is your responsibility to ensure we have correct and accurate information for (a) above.

(c) If you are late paying your bill due to your failure to furnish such information or comply with (b), you cannot appeal your bill on this basis.

What Can Happen If I Do Not Provide the Information Required for Billing Purposes?

We can refuse to provide you irrigation service.

If I Allow My Bill To Become Past Due, Could This Affect My Water Delivery?

If we do not receive your payment before the close of business on the 30th day after the due date stated on your bill, we will send you a past due notice. Your bill will have additional information concerning your rights. We will consider your past due notice as delivered no later than 5 business days after the day we mail it. We have the right to refuse water delivery to any of your irrigated land on which the bill has not been paid by the due date. We can continue to refuse water delivery until you pay your bill or make payment arrangements that we agree to. Our authority to demand payment of your past due bill is 31 CFR 901.2, ''Demand for Payment.''

Are There Any Additional Charges If I am Late Paying My Bill?

Yes. We will assess you interest on the amount owed and use the rate of interest established annually by the Secretary of the United States Treasury (Treasury) to calculate what you will be assessed (31 CFR 901.9(b)). You will not be assessed this charge until your bill is past due. However, if you allow your bill to become past due, interest will accrue from the due date, not the past

due date. Also, you will be charged an administrative fee of $12.50 for each time we try to collect your past due bill. If your bill becomes more than 90 days past due, you will be assessed a penalty charge of 6 percent per year and it will accrue from the date your bill initially became past due. Our authority to assess interest, penalties, and administration fees on past due bills is prescribed in 31 CFR 901.9, ''Interest, penalties, and costs.''

What Else Can Happen to My Past Due Bill?

If you do not pay your bill or make payment arrangements that we agree to, we are required to send your past due bill to the Treasury for further action. We must send your bill to Treasury no later than 180 days after the original due date of your irrigation assessment bill. The requirement for us to send your unpaid bill to Treasury is prescribed in 31 CFR 901.1, ''Aggressive agency collection activity.''

Who Can I Contact for Further Information?

The following tables are the regional and project/agency contacts for our irrigation facilities.

Project name	Project/agency/contacts
Northwest Region Contacts	
Stanley Speaks, Regional Director, Bureau of Indian Affairs, Northwest Regional Office, 911 N. E. 11th Avenue, Portland, Oregon 97232–4169, Telephone (503) 231–6702.	
Flathead Irrigation Project	Ernest T. Moran, Superintendent, Flathead Agency Irrigation Division, PO Box 40, Pablo, Montana 59855–5555, Telephone: (406) 675–2700
Fort Hall Irrigation Project	Eric J. LaPointe, Superintendent, Fort Hall Agency, PO Box 220, Fort Hall, Idaho 83203–0220, Telephone: (208) 238–2301
Wapato Irrigation Project	Pierce Harrison, Project Administrator, Wapato Irrigation Project, PO Box 220, Wapato, WA 98951–0220, Telephone: (509) 877–3155
Rocky Mountain Region Contacts	
Keith Beartusk, Regional Director, Bureau of Indian Affairs, Rock Mountain Regional Office, 316 North 26th Street, Billings, Montana 59101, Telephone: (406) 247–7943	
Blackfeet Irrigation Project	Ross Denny, Superintendent, Cliff Hall, Irrigation Manager, Box 880, Browning, MT 59417, Telephones: (406) 338–7544, Superintendent, (406) 338–7519, Irrigation
Crow Irrigation Project	Gordon Jackson, Superintendent, Dan Lowe, Irrigation Manager, PO Box 69, Crow Agency, MT 59022, Telephones: (406) 638–2672 Superintendent (406) 638–2863 Irrigation
Fort Belknap Irrigation Project	Cleo Hamilton, Superintendent, Ted Hall, Acting Irrigation Manager, R.R.1, Box 980, Harlem, MT 59526, Telephones: (406) 353–2901 Superintendent, (406) 353–2905 Irrigation
Fort Peck Irrigation Project	Dennis Whiteman, Superintendent, PO Box 637, Poplar, MT 59255, Marvin Azure, Irrigation Manager (acting), 602 6th Avenue North, Wolf Point, MT 59201, Telephones: (406) 768–5312, Superintendent, (406) 653–1752, Irrigation
Wind River Irrigation Project	Perry Baker, Superintendent, Sheridan Nicholas, Irrigation Manager, PO Box 158, Fort Washakie, WY 82514, Telephones: (307) 332–7810, Superintendent, (307) 332–2596 Irrigation
Southwest Region Contacts	
Rob Baracker, Regional Director, Bureau of Indian Affairs, Southwest Regional Office, 615 First Street, NW, Albuquerque, New Mexico 87102, Telephone (505) 346–7587	
Pine River Irrigation Project	Michael Stancampiano, Superintendent, Kenneth Caveney, Irrigation Engineer, P.O. Box 315, Ignacio, CO 81137–0315; Telephones: (970) 563–4511 Superintendent, (970) 563–1017 Irrigation
Western Region Contacts	
Wayne Nordwall, Regional Director, Bureau of Indian Affairs, Western Regional Office, P.O. Box 10, Phoenix, Arizona 85001, Telephone (602) 379–6600	
Colorado River Irrigation Project	Allen Anspach, Superintendent, R.R. 1 Box 9–C, Parker, AZ 85344, Telephone: (928) 669–7111
Duck Valley Irrigation Project	Paul Young, Superintendent, Pete LeFebvre, Nat'l Resources Specialist, 1555 Shoshone Circle, Elko, Nevada 89801, Telephones: (775) 738–0569, Superintendent, (775) 738–0590, Irrigation
Fort Yuma Irrigation Project	William Pyott, Land Operations Officer, P.O. Box 11000, Yuma, Arizona, Telephone: (520) 782–1202
San Carlos Irrigation Project Joint Works	Randy Shaw, Irrigation Manager, 13805 N. Arizona Boulevard, Coolidge, AZ 85228, Telephone: (520) 723–6216
San Carlos Irrigation Project Indian Works	Joe Revak, Pima Agency, Land Operations, Box 8, Sacaton, AZ 85247, Telephone: (520) 562–3372
Uintah Irrigation Project	Lynn Hansen, Irrigation Manager, PO Box 130, Fort Duchesne, UT 84026, Telephone: (435) 722–4341
Walker River Irrigation Project	Chuck O'Rourke, Natural Resource Officer, 1677 Hot Springs Road, Carson City, Nevada 89706, Telephone: (775) 887–3550

What Irrigation Assessments or Charges Are Proposed for Adjustment by This Notice?

The rate table below contains the current rates for all of our irrigation projects where we recover our costs for operation and maintenance. The table also contains the proposed rates for the 2002 season, and for the San Carlos Irrigation Project (Joint Works) and Flathead Irrigation Project the proposed rates for the 2003 season. The irrigation projects where rates are proposed for adjustment are noted by an asterisk immediately following the name of the project.

NORTHWEST REGION RATE TABLE

Project name	Rate category	Current 2001 rate	Proposed 2002 rate	Proposed 2003 rate
Flathead Irrigation Project*	Basic per acre	$19.95	$19.95	$21.45 To be Determined (See Note below).
Fort Hall Irrigation Project	Basic per acre	20.00	20.00	
Fort Hall Irrigation Project Minor Units	Basic per acre	14.00	14.00	
Fort Hall Irrigation Project* Michaud	Basic per acre	27.50	28.00	
	Pressure per acre	39.50	41.00	
Wapato Irrigation Project* Ahtanum and Simcoe units.	Billing Charge Per Tract	5.00	5.00	
	Farm unit/land tracts up to one acre (minimum charge).	10.30	10.60	
	Farm unit/land tracts over one acre—per acre.	10.30	10.60	
Wapato Irrigation Project* Satus Unit	Billing Charge Per Tract	5.00	5.00	
	Farm unit/land tracts up to one acre (minimum charge).	41.20	42.44	
	''A'' farm unit/land tracts over one acre—per acre.	41.20	42.44	
	Additional Works farm unit/land tracts over one acre—per acre.	45.32	46.68	
	''B'' farm unit/land tracts over one acre—per acre.	8.24	8.48	
	Water Rental Agreement Lands—per acre.	50.47	51.98	

Note—''To be determined,'' means that future rates will become effective only after we have published another rate notice for comments, followed by a final rate notice.

ROCKY MOUNTAIN REGION RATE TABLE

Project name	Rate category	Current 2001 rate	Proposed 2002 rate
Blackfeet Irrigation Project*	Basic-per acre	$11.00	$13.00
Crow Irrigation Project (See note below)	Basic-per acre	15.50	16.00
Fort Belknap Irrigation Project	Indian per acre	6.25	6.25
	non-Indian per acre	12.50	12.50
Fort Peck Irrigation Project	Basic-per acre	14.00	14.00
Wind River Irrigation Project	Basic-per acre	12.00	12.00

Note—The Crow Project rate adjustment was previously announced in the FEDERAL REGISTER for the 2002 irrigation season and is being provided for informational purposes only, reference Fed. Reg., Vol. 64, No. 95, Page 27003, May 18, 1999.

SOUTHWEST REGION RATE TABLE

Project name	Rate category	Current 2001 rate	Proposed 2002 rate
Pine River Irrigation Project	Minimum Charge per tract	$25.00	$25.00
	Basic-per acre	8.50	8.50

WESTERN REGION RATE TABLE

Project name	Rate category	Current 2001 rate	Proposed 2002 rate	Proposed 2003 rate
Colorado River Irrigation Project	Basic per acre up to 5.0 acre-feet.	$37.00	$37.00	To be Determined (See Note 1 below).
	Excess Water per acre foot 5.0–5.5 acre-feet.	7.40	7.40	
	Excess Water per acre-foot over 5.5 acre-feet.	17.00	17.00	
Duck Valley Irrigation Project	Basic-per acre	5.30	5.30	

WESTERN REGION RATE TABLE—Continued

Project name	Rate category	Current 2001 rate	Proposed 2002 rate	Proposed 2003 rate
Fort Yuma Irrigation Project (See Note 2 below)	Basic-per acre up to 5.0 acre-feet.	60.00	60.00	
	Excess Water per acre-foot over 5.0 acre-feet.	10.50	10.50	
San Carlos Irrigation Project (Joint Works)	Basic-per acre	20.00	20.00	20.00
San Carlos Irrigation Project (Indian Works)	Basic-per acre	56.00	56.00	
Uintah Irrigation Project	Basic-per acre	8.50	8.50	
Walker River Irrigation Project	Indian per acre	7.32	7.32	
	non-Indian per acre	15.29	15.29	

Note 1—''To be Determined'' means that future rates will become effective only after we have published another rate notice for comments, followed by a final rate notice.

Note 2—The Fort Yuma Irrigation Project is owned and operated by the Bureau of Reclamation (Reclamation). The irrigation rates assessed for operation and maintenance are established by Reclamation and are provided for informational purposes only. The BIA only collects the irrigation assessments on behalf of Reclamation.

Consultation and Coordination With Tribal Governments (Executive Order 13175)

The BIA irrigation projects are vital components of the local agriculture economy of the reservations on which they are located. To fulfill its responsibilities to the tribes, tribal organizations, water user organizations, and the individual water users, the BIA communicates, coordinates, and consults on a continuing basis with these entities on issues of water delivery, water availability, costs of administration, operation, maintenance, and rehabilitation. This is accomplished at the individual irrigation projects by Project, Agency, and Regional representatives, as appropriate, in accordance with local protocol and procedures. This notice is one component of the BIA's overall coordination and consultation process to provide notice and request comments from these entities on adjusting our irrigation rates.

Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (Executive Order 13211)

The rate adjustments will have no adverse effects on energy supply, distribution, or use (including a shortfall in supply, price increases, and increase use of foreign supplies) should the proposed rate adjustments be implemented. This is a notice for rate adjustments at BIA owned and operated irrigation projects, except for the Fort Yuma Irrigation Project. The Fort Yuma Irrigation Project is owned and operated by the Bureau of Reclamation with a portion serving the Fort Yuma Reservation.

Regulatory Planning and Review (Executive Order 12866)

These rate adjustments are not a significant regulatory action and do not need to be reviewed by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

This rate making is not a rule for the purposes of the Regulatory Flexibility Act because it is ''a rule of particular applicability relating to rates.'' 5 U.S.C. 601(2).

Unfunded Mandates Act of 1995

These rate adjustments impose no unfunded mandates on any governmental or private entity and are in compliance with the provisions of the Unfunded Mandates Act of 1995.

Takings (Executive Order 12630)

The Department has determined that these rate adjustments do not have significant ''takings'' implications. The rate adjustments do not deprive the public, state, or local governments of rights or property.

Federalism (Executive Order 13132)

The Department has determined that these rate adjustments do not have significant Federalism effects because they pertain solely to Federal-tribal relations and will not interfere with the roles, rights, and responsibilities of states.

Civil Justice Reform (Executive Order 12988)

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act of 1995

These rate adjustments do not affect the collections of information which have been approved by the Office of Information and Regulatory Affairs, Office of Management and Budget, under the Paperwork Reduction Act of 1995. The OMB Control Number is 1076–0141 and expires November 30, 2002.

National Environmental Policy Act

The Department has determined that these rate adjustments do not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370(d)).

Dated: February 21, 2002.

Neal A. McCaleb,

Assistant Secretary—Indian Affairs.

[FR Doc. 02–5624 Filed 3–7–02; 8:45 am]

BILLING CODE 4310–5M–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO640 1020 PF 24 1A]

Call for Nominations for Resource Advisory Councils

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Resource Advisory Council call for nominations.

SUMMARY: The purpose of this notice is to solicit public nominations for each of the Bureau of Land Management (BLM) Resource Advisory Councils (RACs) that have member terms expiring this year. The RACs provide advice and recommendations to BLM on land use planning and management of the public lands within their geographic areas.

Public nominations will be considered for 45 days after the publication date of this notice.

SUPPLEMENTARY INFORMATION: The Federal Land Policy and Management Act (FLPMA) directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by BLM. Section 309 of FLPMA directs the Secretary to select 10 to 15 member citizen-based advisory councils that are established and authorized consistent with the requirements of the Federal Advisory Committee Act (FACA). As required by the FACA, RAC membership must be balanced and representative of the various interests concerned with the management of the public lands. These include three categories:

Category One—Holders of federal grazing permits and representatives of energy and mineral development, timber industry, transportation or rights-of-way, off-highway vehicle use, and commercial recreation;

Category Two—Representatives of nationally or regionally recognized environmental organizations, archaeological and historic interests, dispersed recreation, and wild horse and burro groups;

Category Three—Holders of State, county or local elected office, employees of a State agency responsible for management of natural resources, academicians involved in natural sciences, representatives of Indian tribes, and the public-at-large.

Individuals may nominate themselves or others. Nominees must be residents of the State or States in which the RAC has jurisdiction. Nominees will be evaluated based on their education, training, and experience and their knowledge of the geographical area of the RAC. Nominees should have demonstrated a commitment to collaborative resource decisionmaking. All nominations must be accompanied by letters of reference from represented interests or organizations, a completed background information nomination form, as well as any other information that speaks to the nominee's qualifications.

Simultaneous with this notice, BLM State Offices will issue press releases providing additional information for submitting nominations, with specifics about the number and categories of member positions available for each RAC in the State. Nominations for RACs should be sent to the appropriate BLM offices listed below.

Arizona

Arizona RAC

Deborah Stevens, Arizona State Office, BLM, 222 N. Central Avenue, Phoenix, Arizona 85004–2203, (602) 417–9215.

California

Central California RAC

Larry Mercer, Bakersfield Field Office, BLM, 3801 Pegasus Avenue, Bakersfield, California 93308, (661) 391–6000.

Northeastern California RAC

Jeff Fontana, Eagle Lake Field Office, BLM, 2950 Riverside Drive, Susanville, California 96130, (530) 252–5332.

Northwestern California RAC

Jeff Fontana, Eagle Lake Field Office, BLM, 2950 Riverside Drive, Susanville, California 96130, (530) 252–5332.

Colorado

Front Range RAC; Southwest RAC; Northwest RAC

Sheri Bell, Colorado State Office, BLM, 2850 Youngfield Street, Lakewood, Colorado 80215, (303) 239–3671.

Idaho

Upper Columbia RAC; Upper Snake RAC; Lower Snake RAC

Jerry Rohnert, Idaho State Office, BLM, 1387 Vinnell Way, Boise, Idaho 83709, (208) 373–4017.

Montana and Dakotas

Eastern Montana RAC; Central Montana RAC; Western Montana RAC; Dakotas RAC

Jodi Weil, Montana State Office, BLM, 5001 Southgate Drive, Billings,

Montana 59101, (406) 896–5258.

Nevada

Mojave-Southern RAC; Northeastern Great Basin RAC; Sierra Front Northwestern RAC

Debra Kolkman, Nevada State Office, BLM, 1340 Financial Boulevard, Reno, Nevada 89502–7147, (775) 289–1946.

New Mexico

New Mexico RAC

Mary White, New Mexico State Office, BLM, P.O. Box 27115, Sante Fe, New Mexico 87502–0115, (505) 438–7404.

Oregon/Washington

Eastern Washington RAC; John Day/Snake RAC; Southeast Oregon RAC

Pam Robbins, Medford District Office, BLM, 3040 Biddle Road, Medford, Oregon 97504, (541) 618–2456.

Utah

Utah RAC

Sherry Foot, Utah State Office, BLM, 324 South State Street, Suite 301, P.O. Box 45155, Salt Lake City, Utah 84145–0155, (801) 539–4195.

DATES: All nominations should be received by the appropriate BLM State Office by *45 days from the publication date of this notice.*

FOR FURTHER INFORMATION CONTACT: Melanie Wilson Gore, U.S. Department of the Interior, Bureau of Land Management, Intergovernmental Affairs, MS-LS–406, Washington, DC, 20240; 202–452–0377.

Dated: February 22, 2002.

Kathleen Clarke,

Director, Bureau of Land Management.

[FR Doc. 02–5555 Filed 3–7–02; 8:45 am]

BILLING CODE 4310–84–P

INTERNATIONAL TRADE COMMISSION

[Investigation 332–441]

Probable Economic Effect of the Reduction or Elimination of Foreign Tariffs

AGENCY: International Trade Commission.

ACTION: Institution of investigation and scheduling of public hearing.

EFFECTIVE DATE: February 28, 2002.

SUMMARY: Following receipt of a request on February 11, 2002, from the United States Trade Representative (USTR), the Commission instituted investigation No. 332–441, Probable Economic Effect of the Reduction or Elimination of Foreign Tariffs, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)).

As requested by USTR, the Commission will provide advice, at the most disaggregated level feasible, on the probable economic effect on U.S. industry sectors and U.S. exports if U.S. trading partners reduce or eliminate their tariffs as a result of the WTO and FTAA negotiations. Specifically, the Commission will provide advice on the effect on U.S. exports and major U.S. agricultural and industrial sectors, as the Commission defines them, if:

- All U.S. trading partners eliminate their tariffs of 5 percent *ad valorem* or

below and reduce all other tariffs by 50 percent;
- All U.S. trading partners eliminate their tariffs; and
- All FTAA countries eliminate their tariffs.

The Commission will provide its advice on the effect of reduction or elimination of foreign tariffs no later than November 22, 2002.

FOR FURTHER INFORMATION CONTACT: Industry-specific information may be obtained from Robert Carr, Project Leader (202–205–3402), or George Serletis, Deputy Project Leader (202–205–3315), Office of Industries, U.S. International Trade Commission, Washington, DC 20436. For information on the legal aspects of this investigation, contact William Gearhart of the Office of the General Counsel (202–205–3091). The media should contact Peg O'Laughlin of the Office of External Relations (202–205–1819). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on (202) 205–1810.

Background

In his letter to the Commission, the USTR noted that the United States will enter into multilateral negotiations on market access for industrial products as called for under the WTO Ministerial Declaration issued in Doha last November. In addition, he noted that WTO negotiations on trade in agriculture are expected to intensify this year and that the United States will begin negotiations on agricultural and non-agricultural tariffs later this year as part of broader negotiations toward establishing the Free Trade Area of the Americas (FTAA).

Public Hearing

A public hearing in connection with the investigation will be held at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC, beginning at 9:30 a.m. on May 3, 2002. All persons shall have the right to appear, by counsel or in person, to present information and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436, no later than 5:15 p.m., April 17, 2002. Any prehearing briefs (original and 14 copies) should be filed not later than 5:15 p.m., April 19, 2002; the deadline for filing post-hearing briefs or statements is 5:15 p.m., May 13, 2002. In the event that, as of the close of business on April 17, 2002, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or non-participant may call the Secretary of the Commission (202–205–1806) after April 17, 2002, to determine whether the hearing will be held.

Written Submissions

In lieu of or in addition to participating in the hearing, interested parties are invited to submit written statements (original and 14 copies) concerning the matters to be addressed by the Commission in its report on this investigation. Commercial or financial information that a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked ''Confidential Business Information'' at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's rules of practice and procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available in the Office of the Secretary of the Commission for inspection by interested parties. The Commission may include some or all of the confidential business information submitted by interested parties in its report to the USTR. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted to the Commission at the earliest practical date and should be received no later than the close of business on May 13, 2002. All submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436. The Commission's rules do not authorize filing submissions with the Secretary by facsimile or electronic means.

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*.

List of Subjects WTO, FTAA, tariffs, and exports.

Issued: March 1, 2002.

By order of the Commission.

Marilyn R. Abbott,

Acting Secretary.

[FR Doc. 02–5514 Filed 3–7–02; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–439]

In the Matter of: Certain HSP Modems, Software and Hardware Components Thereof, and Products Containing Same; Notice of Decision To Extend the Target Date for Completion of the Investigation

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend by seventeen (17) days, or until March 21, 2002, the target date for the completion of the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Tim Monaghan, Esq., telephone 202–205–3152, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Copies of all nonconfidential documents filed in connection with this investigation are or will be 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 Commssion, 500 E Street SW., Washington, DC 20436, telephone 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.* Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on October 11, 2000, based on a complaint filed by PCTEL, Inc. (''PCTEL'') of Milpitas, California. The complaint named Smart Link Ltd. of Netanya, Israel and Smart Link Technologies, Inc. of Watertown, Massachusetts (collectively ''Smart Link'') and ESS Technology, Inc. (''ESS'') of Fremont California as respondents. The complaint alleged that Smart Link and ESS had violated

section 337 of the Tariff Act of 1930 by importing into the United States, selling for importation, and/or selling within the United States after importation certain HSP modems, software and hardware components thereof, and products containing the same by reason of infringement of claims 1–2 of U.S. Letters Patent 5,787,305, claims 1–4, 7–8, and 11–15 of U.S. Letters Patent 5,931,950, claims 1, 2, 10, and 15–17 of U.S. Letters Patent 4,841,561, and claims 1, 6–7, 10–12, and 15–19 of U.S. Letters Patent 5,940,459. On June 28, 2001, the Commission determined not to review an ID terminating the investigation as to respondent Smart Link on the basis of a settlement agreement.

On October 18, 2001, the ALJ issued his final ID in the investigation, and on December 6, 2001, the Commission determined to review portions of the final ID and to extend the target date for completion of the investigation by 45 days, to March 4, 2002. On Friday, February 22, 2002, complainant PCTEL and respondent ESS filed a joint motion to terminate the investigation based on a settlement agreement. The Commission determined to extend the target date for completion of the investigation until March 21, 2002, to allow sufficient time for the Commission investigative attorney to respond to the joint motion to terminate and for the Commission to rule on that motion. This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and 210.51(a) of the Commission's rules of practice and procedure, 19 CFR 210.51(a).

By order of the Commission.

Issued: March 4, 2002.

Marilyn R. Abbott,

Secretary.

[FR Doc. 02–5513 Filed 3–7–02; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–448]

In the Matter of: Certain Oscillating Sprinklers, Sprinkler Components, and Nozzles; Notice of Commission Issuance of Limited Exclusion Order and Termination of Investigation

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has issued a limited exclusion order and terminated the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Laurent de Winter, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–708–5452. Copies of the limited exclusion order and all other nonconfidential documents filed in connection with this investigation are or will be 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., Washington, DC 20436, telephone 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.* Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation, which concerns allegations of unfair acts in violation of section 337 of the Tariff Act of 1930 in the importation and sale of certain oscillating sprinklers, sprinkler components, and nozzles, on February 9, 2001. 66 FR 9721. In its complaint, filed on January 8, 2001, and amended on January 31, 2001, complainant L.R. Nelson Corp. (''Nelson'') alleged that Naan Sprinkler and Irrigation Systems, Inc., Watex International Co., Ltd., Lego Irrigation Equipment, Inc., Rain Bird Manufacturing Corporation, Gardena Krest + Kastner GmbH and Gardena's subsidiary Melnor, Inc., Ruey Ryh Enterprises Co,. Ltd., Yuan Mei Corp., Amagine Garden Inc., Aqua Star Industries Inc., Le Yuan Industrial Co. Ltd., Shin Da Spurt Water of Garden Tool Co. Ltd., and Orbit Irrigation Products, Inc. violated section 337 through the importation, sale for importation, and/or sale within the United States after importation of certain oscillating sprinklers, sprinkler components, and nozzles by reason of infringement of certain claims of U.S. Letters Patent Nos. 6,036,117 (''the '117 patent''), 5,645,218 (''the '218 patent''), and 5,511,727 (''the '727 patent'').

On May 3, 2001, complainant Nelson moved, pursuant to 19 U.S.C. 1337(g)(1) and Commission rule 210.16, for an order to show cause why respondent Watex International Co., Ltd. (''Watex'') should not be found in default for failing to respond adequately and properly to the amended complaint and notice of investigation, as required by Commission rule 210.13. The Commission investigative attorney (''IA'') supported complainant's motion to the extent that it requested an order to show cause against Watex. The presiding administrative law judge (''ALJ'') issued an ID (Order No. 4) on March 30, 2001, directing Watex to show cause why it should not be found in default. Watex did not respond to the show cause order.

On May 22, 2001, the ALJ issued an ID (Order No. 7) finding Watex in default pursuant to Commission rule 210.16, and ruling that it had waived its rights to appear, to be served with documents, and to contest the allegations at issue in the investigation. No petitions for review of the ID were filed. On June 12, 2001, the Commission determined not to review the ID, thereby allowing it to become the Commission's final determination.

On September 13, 2001,Nelson moved to withdraw all allegations related to the '117 patent from the investigation. No party responded to Nelson's motion and the IA supported the motion. On September 25, 2001, the ALJ issued an ID (Order No. 26) granting the motion to withdraw the allegations relating to the '117 patent, and on October 26, 2001, the Commission determined not to review that ID. This withdrawal terminated the investigation with respect to all respondents except Watex.

On October 1, 2001, Nelson filed a declaration seeking, pursuant to section 337(g)(1) and Commission rule 210.16(c)(1), entry of a limited exclusion order against Watex barring importation into the United States of Watex sprinklers infringing the claims in issue of the '218 and '727 patents. In its declaration, Nelson did not seek issuance of a cease and desist order against Watex. On December 11, 2001, the Commission issued a notice requesting briefing on the issues of remedy, public interest, and bonding. On January 10, 2002, Nelson, the IA, and Tekni-Plex, Inc., a purchaser of Watex sprinklers, submitted briefing on the issues of the public interest and bonding and proposed limited exclusion orders. No briefs were filed by any other person or government agency. Only the IA filed a reply brief.

Section 337(g)(1) of the Tariff Act of 1930 provides that the Commission shall presume the facts alleged in a complaint to be true, and upon request issue a limited exclusion order and/or cease and desist order if: (1) A complaint is filed against a person under section 337, (2) the complaint and

a notice of investigation are served on the person, (3) the person fails to respond to the complaint and notice or otherwise fails to appear to answer the complaint and notice, (4) the person fails to show good cause why it should not be found in default, and (5) the complainant seeks relief limited to that person. Such an order shall be issued unless, after considering the effect of such exclusion, the Commission finds that such exclusion should not be issued.

The Commission found that each of the statutory requirements for the issuance of a limited exclusion order was met with respect to defaulting respondent Watex. The Commission further determined that the public interest factors enumerated in section 337(g)(1) did not preclude the issuance of such relief. Finally, the Commission determined that bond under the limited exclusion order during the Presidential review period shall be in the amount of one hundred (100) percent of the entered value of the imported articles.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and § 210.16 of the Commission's rules of practice and procedure, 19 CFR 210.16.

By order of the Commission.

Issued: March 4, 2002.

Marilyn R. Abbott,

Secretary.

[FR Doc. 02–5512 Filed 3–7–02; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–413 and 731–TA–913–916 and 918 (Final)]

Stainless Steel Bar From France, Germany, Italy, Korea, and the United Kingdom

Determinations

On the basis of the record[1] developed in the subject investigations, the United States International Trade Commission determines, pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. § 1671d(b))(the Act), that an industry in the United States is materially injured by reason of imports from Italy of stainless steel bar, provided for in subheadings 7222.11.00, 7222.19.00, 7222.20.00, and 7222.30.00 of the Harmonized Tariff Schedule of the United States (HTS), that have been found by the Department of Commerce to be subsidized by the Government of Italy.

The Commission also determines, pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)), that an industry in the United States is materially injured by reason of imports from France, Germany, Italy, Korea, and the United Kingdom of stainless steel bar, provided for in the HTS subheadings listed above, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted these investigations effective December 28, 2000, following receipt of a petition filed with the Commission and Commerce by Carpenter Technology Corp. (Wyomissing, PA); Crucible Specialty Metals (Syracuse, NY); Electralloy Corp. (Oil City, PA); Empire Specialty Steel, Inc. (Dunkirk, NY); Slater Steels Corp., Specialty Alloys Division (Fort Wayne, IN); and the United Steelworkers of America, AFL–CIO/CLC (Pittsburgh, PA). The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce certain imports of stainless steel bar from Italy were being subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and that certain imports of stainless steel bar from France, Germany, Italy, Korea, and the United Kingdom were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)).[2] Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of September 17, 2001 (66 FR 48063).[3] The hearing was held in Washington, DC, on January 17, 2002, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on February 28, 2002. The views of the Commission are contained in USITC Publication 3488 (February 2002), entitled Stainless Steel Bar from France, Germany, Italy, Korea, and the United Kingdom: Investigation No. 701–TA–413 (Final) and Investigations Nos. 731–TA–913–916 and 918 (Final).

Issued: March 4, 2002.

By order of the Commission.

Marilyn R. Abbott

Acting Secretary.

[FR Doc. 02–5615 Filed 3–7–02; 8:45 am]

BILLING CODE 7020–02–M

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Investigation No. 731–TA–917 (Final), concerning stainless steel bar from Taiwan, was terminated effective January 23, 2002 (67 FR 4745, January 31, 2002), consequent to Commerce's final negative LTFV determination with respect to Taiwan (67 FR 3152, January 23, 2002).

[3] The Commission published notice of its revised schedule on November 20, 2001 (66 FR 58162).

INTERNATIONAL TRADE COMMISSION

[Investigation 332–440]

Probable Economic Effect of the Reduction or Elimination of U.S. Tariffs

AGENCY: International Trade Commission.

ACTION: Institution of investigation and scheduling of public hearing.

EFFECTIVE DATE: February 28, 2002.

SUMMARY: Following receipt of a request on February 11, 2002, from the United States Trade Representative (USTR), the Commission instituted investigation No. 332–440, Probable Economic Effect of the Reduction or Elimination of U.S. Tariffs, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)).

As requested by USTR, the Commission will provide advice as to the probable economic effect on U.S. industries producing like or directly competitive articles and on consumers of:

- Eliminating U.S. tariffs of 5 percent ad valorem or below on dutiable imports from all U.S. trading partners and reducing all other U.S. tariffs by 50 percent;
- Eliminating U.S. tariffs on all dutiable imports from all U.S. trading partners; and
- Eliminating U.S. tariffs on all dutiable imports from FTAA countries.

The import analysis will consider each article in chapters 1 through 97 of the Harmonized Tariff Schedule of the United States for which tariffs will remain after the United States fully implements its Uruguay Round tariff commitments. The import advice will be based on the 2002 Harmonized Tariff System nomenclature and 2000 trade data. The report will identify the five largest sources of dutiable imports (including import values) for each article under the scenarios identified above. The Commission will provide its advice on the effect of reduction or elimination of U.S. tariffs no later than August 9, 2002.

FOR FURTHER INFORMATION CONTACT: Industry-specific information may be obtained from Robert Carr, Project Leader (202–205–3402), or George Serletis, Deputy Project Leader (202–205–3315), Office of Industries, U.S. International Trade Commission, Washington, DC, 20436. For information on the legal aspects of this investigation, contact William Gearhart of the Office of the General Counsel (202–205–3091). The media should contact Peg O'Laughlin of the Office of External Relations (202–205–1819). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on (202) 205–1810.

Background

In his letter to the Commission, the USTR noted that at the November 14, 2001, WTO Ministerial Conference in Doha, Qatar, the United States and other WTO members agreed to launch new multilateral negotiations. The new WTO agenda will include negotiations on agriculture mandated under the Agreement Establishing the World Trade Organization. In addition, the letter noted that at the Quebec City Summit of the Americas last April, leaders of the Western Hemisphere democracies called for the conclusion of the Free Trade Area of the Americas (FTAA) by no later than January 1, 2005; and that negotiations on agricultural and industrial tariffs in the FTAA will be initiated this year.

Public Hearing

A public hearing in connection with the investigation will be held at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC, beginning at 9:30 a.m. on May 1, 2002. All persons shall have the right to appear, by counsel or in person, to present information and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436, no later than 5:15 p.m., April 17, 2002. Any prehearing briefs (original and 14 copies) should be filed not later than 5:15 p.m., April 19, 2002; the deadline for filing post-hearing briefs or statements is 5:15 p.m., May 10, 2002. In the event that, as of the close of business on April 17, 2002, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or non-participant may call the Secretary of the Commission (202–205–1806) after April 17, 2002, to determine whether the hearing will be held.

Written Submissions

In lieu of or in addition to participating in the hearing, interested parties are invited to submit written statements (original and 14 copies) concerning the matters to be addressed by the Commission in its report on this investigation. Commercial or financial information that a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked ''Confidential Business Information'' at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available in the Office of the Secretary of the Commission for inspection by interested parties. The Commission may include some or all of the confidential business information submitted by interested parties in its report to the USTR. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted to the Commission at the earliest practical date and should be received no later than the close of business on May 10, 2002. All submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436. The Commission's rules do not authorize filing submissions with the Secretary by facsimile or electronic means.

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.*

List of Subjects

WTO, FTAA, tariffs, and imports.

Issued: March 4, 2002.

By order of the Commission.

Marilyn R. Abbott,

Secretary.

[FR Doc. 02–5614 Filed 3–7–02; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Partial Consent Decrees Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on February 15, 2002, two proposed partial consent decrees in *United States* v. *ABC Compounding Co. et al.,* Civil Action No. 1:02–cv–291–RLV, were lodged with the United States District Court for the Northern District of Georgia.

In this action the United States sought under section 107(a) of CERCLA, 42 U.S.C. 9607(a), the recovery of past response costs with respect to the Murphy Avenue Drum Site, located at 1230 Murphy Avenue in Atlanta, Fulton County, Georgia. The defendants in the action are ABC Compounding Co., Davis Manufacturing and Packaging, Inc., Henkel Corporation, Hill Manufacturing Co., Inc., Southern Industrial Chemicals, Inc. (aka ''SIC Technologies, Inc.'' or ''SIC''), and Union Carbide Corporation. Together, the two partial consent decrees resolve claims for past response costs at the Site against all defendants. Under the first partial consent decree, all defendants other than SIC have agreed to pay $465,000 to the Superfund toward EPA's past response costs. The second partial consent decree is an ability-to-pay settlement under which SIC has agreed to pay $12,000 to the Superfund in four quarterly installments.

The Department of Justice will receive comments relating to the proposed consent decrees for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *ABC Compounding Co. et al.,* DJ # 90–11–3–07393.

The proposed consent decrees may be examined at the office of the United States Attorney for the Northern District of Georgia, 1800 U.S. Courthouse, 75 Spring Street, SW, Atlanta, GA 30335, and at the Region 4 office of the Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, Atlanta, GA 30303. A copy of the proposed consent decrees may also be obtained by mail from the Consent Decree Library, PO. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, or by faxing a request to Tonia Fleetwood, fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy, please enclose a check in the amount of $9.50

(25 cents per page reproduction cost) payable to the U.S. Treasury. The check should refer to *United States* v. *ABC Compounding Co. et al.,* DJ # 90–11–3–07393.

Ellen M. Mahan,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 02–5543 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Office of the Attorney General

[OAG 103P; A.G. Order No. 2563–2002]

RIN 1105–AA81

Guidelines for the Campus Sex Crimes Prevention Act Amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act

AGENCY: Department of Justice.

ACTION: Proposed guidelines.

SUMMARY: The United States Department of Justice is publishing Proposed Guidelines to implement an amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act enacted by the Campus Sex Crimes Prevention Act.

DATES: Comments must be received by May 7, 2002.

ADDRESSES: Comments may be mailed to David J. Karp, Senior Counsel, Office of Legal Policy, Room 4503, Main Justice Building, 950 Pennsylvania Avenue, NW, Washington, DC 20530.

SUPPLEMENTARY INFORMATION: Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103–322, 108 Stat. 1796, 2038 (codified at 42 U.S.C. 14071) contains the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (the ''Wetterling Act''). The Wetterling Act sets minimum national standards for state sex offender registration and community notification programs, and directs the Attorney General to issue guidelines for such programs. The current Wetterling Act guidelines were published on January 5, 1999, in the **Federal Register** (64 FR 572, with corrections at 64 FR 3590). States that fail to comply with the Wetterling Act's requirements (as implemented and explained in the Attorney General's guidelines) are subject to a mandatory 10% reduction of the formula grant funding available under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program (42 U.S.C. 3756), which is administered by the Bureau of Justice Assistance of the Department of Justice.

Subsequent to the publication of the current Wetterling Act guidelines, the Wetterling Act was amended by the Campus Sex Crimes Prevention Act (the ''CSCPA''), Pub. L. 106–386, div. B, § 1601, 114 Stat. 1464, 1537 (2000). The CSCPA provides special requirements relating to registration and community notification for sex offenders who are enrolled in or work at institutions of higher education. These supplementary guidelines are necessary to take account of the CSCPA amendment to the Wetterling Act. The deadline for state compliance with the CSCPA amendment is October 27, 2002.

Proposed Guidelines

The CSCPA provisions appear in subsection (j) of the Wetterling Act (42 U.S.C. 14071(j)). As provided in subsection (j), any person required to register under a state sex offender registration program must notify the state concerning each institution of higher education (i.e., post-secondary school) in the state at which the person is a student or works, and of each change in enrollment or employment status of the person at such an institution. States can comply with the Wetterling Act's requirements concerning these registrants, in part, by: (1) Advising registrants concerning these specific obligations when they are generally advised of their registration obligations, as discussed in part II.A of the January 5, 1999, Wetterling Act guidelines (64 FR 572, 579), (2) including in the registration information obtained from each registrant information concerning any expected enrollment or employment at an institution of higher education in the state, and (3) establishing procedures for registrants to notify the state concerning any subsequent commencement or termination of enrollment or employment at such an institution. The failure of a registrant to notify the state concerning enrollment or employment at an institution of higher education or the termination of such enrollment or employment would constitute a failure to register or keep such registration current for purposes of subsection (d) of the Wetterling Act (42 U.S.C. 14071(d)), and must be subject to criminal penalties as provided in that subsection.

Under the requirements of subsection (j) of the Wetterling Act, state procedures must also ensure that information concerning a registrant enrolled or working at an institution of higher education is promptly made available to a law enforcement agency having jurisdiction where the institution is located, and entered into the appropriate state records or data system. This requirement applies both to any information initially obtained from registrants concerning enrollment or employment at institutions of higher education in the state, and information concerning subsequent changes in such enrollment or employment status.

Subsection (j)'s requirement to promptly make the information available to a law enforcement agency having jurisdiction where the institution is located is supplementary to the requirement under subsection (b)(2)(A) and (4) of the Wetterling Act (42 U.S.C. 14071(b)(2)(A), (4)) to promptly make information concerning registrants available to a law enforcement agency having jurisdiction where the registrant resides. The legislative history of the Campus Sex Crimes Prevention Act explains subsection (j)'s requirement as follows:

> Once information about an offender's enrollment at, or employment by, an institution of higher education has been provided to a state's sex offender registration program, that information should be shared with that school's law enforcement unit as soon as possible.
>
> The reason for this is simple. An institution's law enforcement unit will have the most direct responsibility for protecting that school's community and daily contact with those that should be informed about the presence of the convicted offender.
>
> If an institution does not have a campus police department, or other form of state recognized law enforcement agency, the sex offender information could then be shared with a local law enforcement agency having primary jurisdiction for the campus.
>
> 146 Cong. Rec. S10216 (Oct. 11, 2000) (remarks of Senator Kyl).

Thus, if an institution of higher education has a campus police department or other form of state recognized law enforcement agency, state procedures must ensure that information concerning the enrollment or employment of registrants at that institution (and subsequent changes in registrants' enrollment or employment status) is promptly made available to the campus police department or law enforcement agency. If there is no such department or agency at the institution, then state procedures must ensure that this information is promptly made available to some other law enforcement agency having jurisdiction where the institution is located. Regardless of whether an institution of higher education has its own law enforcement unit, the Wetterling Act does not limit the discretion of states to make information concerning registrants enrolled or working at the institution

available to other law enforcement agencies as well.

The language of subsection (j) refers specifically to any registrant who ''is employed, carries on a vocation, or is a student'' at an institution of higher education in the state. These terms have defined meanings set forth in subsection (a)(3)(F)–(G) of the Wetterling Act (42 U.S.C. 14071(a)(3)(F)–(G)). In light of these definitions, the registrants to whom the requirements of subsection (j) apply are those who: (1) Are enrolled in any institution of higher education in the state on a full-time or part-time basis, or (2) have any sort of full-time or part-time employment at an institution of higher education in the state, with or without compensation, for more than 14 days, or for an aggregate period exceeding thirty days in a calendar year.

The CSCPA provisions in subsection (j) of the Wetterling Act are supplementary to, and do not limit or supersede, the provisions in subsection (b)(7)(B) of the Wetterling Act that require states to accept registration information from offenders who reside outside a state but come into the state in order to work or attend school. Subsection (b)(7)(B) applies only to non-resident workers and students, but it is not limited in scope to those who work at or attend institutions of higher education (as opposed to other places of employment or schools). The requirements under subsection (b)(7)(B) are explained in part of V.B.2 of the January 5, 1999, Wetterling Act guidelines (64 FR 572, 585).

The CSCPA's effective date for its amendment to the Wetterling Act is two years after enactment. States accordingly have until October 27, 2002, to come into compliance with subsection (j) of the Wetterling Act. States that fail to come into compliance within the specified time period will be subject to a mandatory 10% reduction of Byrne Formula Grant funding, and funds that are not allocated to noncomplying states will be reallocated to states that are in compliance.

If a state's funding is reduced because of a failure to comply with the CSCPA amendment to the Wetterling Act or other Wetterling Act requirements by an applicable deadline, the state may regain eligibility for full funding in later program years by establishing compliance with all applicable requirements of the Wetterling Act in such later years.

States are encouraged to submit information concerning existing and proposed sex offender registration provisions relating to compliance with the CSCPA amendment with as much lead-time as possible. This will enable the reviewing authority to assess the status of state compliance with the CSCPA provisions and to suggest any necessary changes to achieve compliance before the funding reduction goes into effect. At the latest, states should aim to submit to the Bureau of Justice Assistance by August 27, 2002, information that shows compliance with the requirements of subsection (j) of the Wetterling Act. After the reviewing authority has determined that a state is in compliance with the Wetterling Act, the state has a continuing obligation to maintain its system's consistency with the Wetterling Act's standards, and will be required as part of the Byrne Formula Grant application process in subsequent program years to certify that the state remains in compliance with the Wetterling Act.

These guidelines relate solely to the provisions of the CSCPA that amended the Wetterling Act, and hence affect state eligibility for full Byrne Grant funding. In addition to adding subsection (j) to the Wetterling Act, the CSCPA amended federal education laws to ensure the availability to the campus community of information concerning the presence of registered sex offenders. Explanation for these provisions will be provided in regulations issued by the Department of Education.

As noted above, the general guidelines for the Wetterling Act were published on January 5, 1999, and appear at 64 FR 572. The new CSCPA provisions in subsection (j), which these supplementary guidelines address, are only one part of the Wetterling Act. States must comply with all of the Wetterling Act's requirements in order to maintain eligibility for full Byrne Grant funding.

Dated: March 1, 2002.

John Ashcroft,

Attorney General.

[FR Doc. 02–5509 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–19–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Die Products Consortium (''DPC'')

Notice is hereby given that, on February 1, 2002, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Die Products Consortium (''DPC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Agere Systems, Allentown, PA; and LSI Logic Corp., Milpitas, CA have been added as parties to this venture. Also, Cypress Semiconductor Corporation, San Jose, CA; Lucent Technologies, Inc., Murray Hill, NJ; Packard-Hughes Interconnect, Irvine, CA; and Rockwell Collins, Inc., Cedar Rapids, IA have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and DPC intends to file additional written notification disclosing all changes in membership.

On November 15, 1999, DPC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 26, 2000 (65 FR 39429).

The last notification was filed with the Department on February 7, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 8, 2001 (66 FR 13969).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–5534 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—the Digital Subscribe Line Forum

Notice is hereby given that, on October 9, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), The Digital Subscriber Line Forum (''DSL'') filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, 186k Ltd., Reading, Berkshire, UNITED KINGDOM; ACACIA, Saint-Peray, FRANCE; Celestix Networks, Fremont, CA; CopperCom, Boca Raton, FL;

Fraunhofer-ESK, Munich, GERMANY; Future Communications Software, San Jose, CA; ITI Limited, Bangalore, INDIA; and Vina Technologies, Newark, CA, have been added as parties to this venture. Also, Sphere Communications, Lake Bluff, IL, has been dropped as a party to this venture.

In addition, Admit Design Systems is now called Admit Systems, Dalgety, Fife, UNITED KINGDOM; and Agilent Interoperability Certification Labs is not called Agilent Technologies, San Jose, CA.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and DSL intends to file additional written notifications disclosing all changes in membership.

On May 15, 1995, DSL filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 25, 1995 (60 FR 38058).

The last notification was filed with the Department on July 24, 2001. A notice for this filing has not yet been published in the **Federal Register**.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–5531 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Ethernet in the First Mile Alliance

Notice is hereby given that, on January 16, 2002, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Ethernet in the First Mile Alliance (''EFMA'') filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are Accton Technology Corp., Hsinchu. TAIWAN; Alloptic, Inc., Livermore, CA; Cisco Systems, San Jose, CA; Elastic Networks, Alpharetta, GA; Ericsson Telecom AB, Plano, TX; Extreme Networks, Pleasanton, CA; Finisar Corporation, Sunnyvale, CA; Intel, Santa Clara, CA; Nippon Telegraph and Telephone Corp., Chiba, JAPAN; and World Wide Packets, Veradale, WA. The nature and objectives of the venture are to promote standard-based Ethernet in the First Mile technology and to encourage the utilization and implementation of Ethernet in the First Mile key networking technology for connectivity of various computing, data, and telecommunications devices.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–5541 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—IMS Global Learning Consortium, Inc.

Notice is hereby given that, on January 30, 2002, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), IMS Global Learning Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, GIUNTI Interactive Labs S.r.l., Genoa, ITALY; and Open Iniversiteit, Nederland, THE NETHERLANDS have been added as parties to this venture. Also, National Institute of Standards and Technology (NIST), Gaithersburg, MD; University System of Maryland, Adelphi, MD; Prometheus, Washington, DC; Pearson Education, Reading, MA; and Unext, Deerfield, IL have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and IMS Global Learning Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On April 7, 2000, IMS Global Learning Consortium, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on September 13, 2000 (65 FR 55283).

The last notification was filed with the Department on October 11, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on December 5, 2001 (66 FR 63258).

Constance K. Robinson,

Director of Operations Antitrust Division.

[FR Doc. 02–5529 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—J Consortium, Inc.

Notice is hereby given that, on January 30, 2002, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), J Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Chess, Haarlem, THE NETHERLANDS; INFOCOMM, Edgewater, NJ; Neil Acantilado (individual member), San Diego, CA; Junisha Anderson (individual member), Santa Clara, CA; Jean-Bernard Blanchet (individual member), Paris, FRANCE; Jacky Boscher (individual member), Bretagne, FRANCE; Bruce Carothers (individual member), Corte Maders, CA; Jimmy Brian Christanthio (individual member), Singapore, SINGAPORE; Jimmy Creyland (individual member), Linkoping, SWEDEN; Ingbert Krannich (individual member), Bavaria, GERMANY; Mauro Marcelo Mattos (individual member), Blumenau, BRAZIL; Ramon Piedrafita Moreno (individual member), Zaragoza, SPAIN; Ted Powers (individual member), Arlington Heights, IL; Lokasani Venkata Reddy (individual member), Hyderabad, INDIA; and Edward J. Rhodes (individual member), Burlington, MA have been added as parties to this venture.

Also, Jmchen, Zhejiang, PEOPLE'S REPUBLIC OF CHINA; Wangzhi, Zhejiang, PEOPLE's REPUBLIC OF CHINA; and Steve Chaloner, UK Ministry of Defense, Wiltshire, England, UNITED KINGDOM have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and J Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On August 9, 1999, J Consortium, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 21, 2000 (65 FR 15175).

The last notification was filed with the Department on October 9, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on November 13, 2001 (66 FR 56863).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–5535 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Storage Industry Consortium—Heat Assisted Magnetic Recording (''HAMR'')

Notice is hereby given that, on January 8, 2002, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), National Storage Industry Consortium (''NSIC'') has filed written notifications on behalf of a joint research and development venture with Heat Assisted Magnetic Recording (''HAMR'') simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are Seagate Technology LLC, Scotts Valley, CA; Advanced Research Corporation, Minneapolis, MN; MEMS Optical, Inc., Huntsville, AL; and NSIC, San Diego, CA. The following universities have joined NSCI–HAMR as university associate members: Carnegie Mellon University, Pittsburgh, PA; and The Arizona Board of Regents on behalf of The University of Arizona, Tucson, AZ. The nature and objectives of the venture are to develop and demonstrate materials, optical and magnetic components, and engineering modeling tools for a novel means of overcoming the superparamagnetic limit in magnetic recording, enabling increases in storage densities to one trillion bits per square inch and beyond.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–5539 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Nuvera Fuel Cells, Inc.

Notice is hereby given that, on January 15, 2002, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Nuvera Fuel Cells, Inc., has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are Nuvera Fuel Cells, Inc., Cambridge, MA; and H-Power Corporation, Belleville, NJ. The nature and objective of the venture is to develop and demonstrate a Propane Fueled Fuel Cell Power System for Telecommunications Applications.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–5542 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Portland Cement Association

Notice is hereby given that, on January 30, 2002, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Portland Cement Association (''PCA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Holnam Inc., Dundee, MI has changed its name to Holcim (US) Inc.; CP Recycling & Affiliated Co., Muskegon, MI has changed its name to Chryso, Inc.; and Westvaco Corporation, Charleston Heights, SC has resigned as an Associate Member.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and PCA intends to file additional written notification disclosing all changes in membership.

On January 7, 1985 PCA filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on February 5, 1985 (50 FR 5015).

The last notification was filed with the Department on October 16, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on December 5, 2001 (66 FR 63260).

Constance K. Robinson,

Director of Operations Antitrust Division.

[FR Doc. 02–5536 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Salutation Consortium, Inc.

Notice is hereby given that, on February 6, 2002, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Salutation Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Dou Wen (individual member), Changsha, Hunan, PEOPLE'S REPUBLIC OF CHINA has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research

project remains open, and Salutation Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On March 30, 1995, Salutation Consortium, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 27, 1995 (60 FR 33233).

The last notification was filed with the Department on August 24, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on October 4, 2001 (66 FR 50683).

Constance K. Robinson,

Director of Operations Antitrust Division.

[FR Doc. 02–5537 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Semiconductor Equipment and Materials International (''SEMI'')

Notice is hereby given that, on January 8, 2002, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Semiconductor Equipment and Materials International (''SEMI'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are Semiconductor Equipment and Materials International, San Jose, CA; Domainlogix, Austin, TX; ILS Technologies, Charlotte, NC; Oceana Sensor Technologies, Virginia Beach, VA; and Advanced Micro Devices, Sunnyvale, CA. The nature and objectives of the venture are to conduct research on and develop an eManufacturing Security Framework to improve semiconductor manufacturing productivity.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–5532 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Spray Drift Task Force

Notice is hereby given that, on January 28, 2002, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the Spray Drift Task Force has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in the membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Dow AgroSciences, L.L.C., Zionsville, IN aquired the membership formerly held by Rohm and Haas, Philadelphia, PA, in an asset purchase of Rohm and Haas's crop protection business, and subsequently transferred that membership to Gowan Company, Yuma, AZ. Also, Syngenta Crop Protection Corp., Greensboro, NC has transferred the membership formerly held by Zeneca, Inc., Wilmington, DE to Chemical Products Technologies, L.L.C., Cartersville, GA.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and the Spray Drift Task Force intends to file additional written notification disclosing all changes in membership.

On May 15, 1990, the Spray Drift Task Force filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 5, 1990 (55 FR 27701).

The last notification was filed with the Department on July 20, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the act on August 15, 2001 (66 FR 42877).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–5540 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Telemanagement Forum

Notice is hereby given that, on December 3, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Telemanagement Forum (''the Forum'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Ipsaris, Chertsey, UNITED KINGDOM; Dorado Software, Folsom, CA; Intelliden, Inc., Colorado Springs, CO; Hellenic Telecoms Organization, Maroussi-Athens, GREECE; Edgeflow, Kannta, Ontario, CANADA; Alidian Networks, San Jose, CA; Lynx Photonic Networks, Rosh Ha'Ayin, ISRAEL; Rate Integration, McLean, VA; US Interactive, Cupertino, CA; IPDR.Org., Friday Harbor, WA; OEFEG, Vienna, AUSTRIA; RMG, Inc., Basking Ridge, NJ; Sybase, Inc., Emeryville, CA; Support.com, Redwood City, CA; Danet GMBH, Darmstadt, GERMANY; Celox Networks, Inc., South Borough, MA; Chiaro Networks, Inc., Richardson, TX; Cvidiya Networks, Inc., Tel Aviv, ISRAEL; Czech Telecom a.s.-Imaginet, o.z., Prague, CZECH REPUBLIC; Enition S.A., Issy Les Noulineaux, FRANCE; Intamission Ltd., Windsor, Berkshire, UNITED KINGDOM; Netcracker, Waltham, MA; Parc Technologies Ltd., London, UNITED KINGDOM; Sasktel International, Regina, Saskatchewan, CANADA; Senito Networks, Rockville, MD; Softalia, Inc., Chantilly, VA; Qcom, Inc., Marlboro, NJ; NTT Comware Corporation, Chiba, JAPAN; KT ICOM, Seoul, REPUBLIC OF KOREA; National Communication System, Arlington, VA; Stratecast Partners, Chico, CA; Accelight Networks, Ottawa, Ontario, CANADA; AFN Communications, Tulsa, OK; Aran Technology, Dublin, IRELAND; Innovance Networks, Ottawa, Ontario, CANADA; Movaz Network, Inc., Norcross, GA; Solid, Mountain View, CA; Yotta Networks, Inc., Plano, TX; St. Petersburg University of Telecommunications, St. Petersburg, RUSSIA; Satyam Computer Services Ltd., Alpharetta, GA; SAIC Limited, London, UNITED KINGDOM; Concept Wave Software, Mississauga, Ontario,

CANADA; Coriolis Networks, Boxboro, MA; Extreme Networks, Pleasanton, CA; Skyoptix, Red Bank, NJ; City of Toronto, Toronto, Ontario, CANADA; Credit Suisse First Boston, San Francisco, CA; ZTE Technology Center, Shenzhen, PEOPLES REPUBLIC OF CHINA; Axxessit ASA, Bergen, NORWAY; Tertio Telecommunications, London, UNITED KINGDOM; Polaris Networks, San Jose, CA; Tim Peru S.A.C., Lima, PERU; Four Corners Telecommunication Corporation, Overland Park, KS; Bauer & Partner AG, The Business and Technology Group Europe, Neuss, GERMANY; Ovum Limited, London, UNITED KINGDOM; Swanson Consulting Inc., Mountainville, NY and Trinity College Dublin, Dublin, IRELAND have been added as parties to this venture.

Also, the following existing members have changed their names: Watchmark Limited is now called Watchmark Corporation, Bellevue, WA; Tibco/Inconcert is now called Tibco Software Inc., Cambridge, MA; DERA is now called QinetiQ, Farnborough, Hampshire, UNITED KINGDOM; Renaissance Strategy is now called Adventis Corporation, San Francisco, CA; GTS is now called Ebone Network Services, Hoeilaart, BELGIUM; Vodafone Airtouch plc is now called Vodaphone Group, Newbury, Berkshire, UNITED KINGDOM; Amdocs (Israel) Limited is now called Amdocs Ltd., Raanana, ISRAEL; Brokat is now called Blaze Advisor, Falls Church, VA; GMD FOKUS is now called Fraunhofer FOKUS, Berlin, GERMANY; and Business Management Group is now called Getronics Consulting BV, Utrecht, THE NETHERLANDS.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and the Forum intends to file additional written notifications disclosing all changes in membership.

On October 21, 1988, the Forum filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on December 8, 1988 (53 FR 49615).

The last notification was filed with the Department on June 6, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on October 15, 2001 (66 FR 52452).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–5530 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—VSI Alliance

Notice is hereby given that, on January 15, 2002, pursuant to section 6(a) of the National Cooperative Research and Production Act of 2993, 15 U.S.C. 4301 *et seq.* (''the Act''), VSI Alliance has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, ATRI Technologies, Inc., Markham, Ontario, CANADA; Claudio Costi (individual member), Calgary, Alberta, CANADA; Magic Ge (individual member), Shanghai, PEOPLE'S REPUBLIC OF CHINA; Lateral Sands, West Perth, Western Australia, AUSTRALIA; Tsung Lee (individual member). Kao-Hsiung, TAIWAN; Piiri Technologies Oy, Oulu, FINLAND; Robert Bosch GmbH, Reutlingen, GERMANY; Thales Group, Gennevilliers, FRANCE; James R. Tobias (individual member), San Jose, CA; Paxonet Communications, Pune, Maharashtra, INDIA; and Teleraty Systems, Inc., Sunnyvale, CA have been added as parties to this venture.

Also, ChipLogic, Inc., Santa Clara, CA; Chronology Corp., Redmond, WA; Cogency Semiconductor, Inc., Toronto, Ontario, CANADA; Duolog Technologies LTD, Dublin, IRELAND; eSilicon Corp., Palo Alto, CA; Experience First, Inc., San Jose, CA: Hantro Products Oy, Oulu, FINLAND; KITAL—Korean Institute of Technology, Seoul, REPUBLIC OF KOREA; Timothy O'Donnell (individual member), Los Gatos, CA: SIDSA—Design Tech. Dept., Madrid, SPAIN; Silicon Automation Systems Limited, Karnataka, INDIA; SOCIP Group of Korea, Seoul, REPUBLIC OF KOREA; Synad Technologies Ltd., Reading, England, UNTIED KINGDOM; CG CorEl Logic Systems, Pune, Maharashtra, INDIA; and HGS Engineering, Inc., Sunnyvale, CA have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and VSI Alliance intends to file additional written notification disclosing all changes in membership.

On November 29, 1996, VSI Alliance filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 4, 1997 (62 FR 9812).

The last notification was filed with the Department on October 12, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on December 5, 2001 (66 FR 63259).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–5533 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Wireless Application Protocol Forum, Ltd.

Notice is hereby given that, on November 20, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Wireless Application Protocol Forum, Ltd. (''WAP'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Research in Motion Limited, Waterloo, Ontario, CANADA; and XFERA Moviles S.A., Madrid, SPAIN have been added as parties to this venture. Schlumberger Systems, Montrouge, FRANCE has acquired Sema Group, Toronto, Ontario, CANADA. Telecommunications Systems, Inc., Annapolis, MD has acquired XYPoint, Seattle, WA. Comverse Network, Wakefield, MA has changed its name to Comverse; Dr. Materna GmbH, Dortmund, GERMANY has changed its name to Materna Information & Communications; Mitsubishi Wireless Comm., Nanterre Cedex, FRANCE has changed its name to Mitsubishi Electric Telecom; IntraNet Solutions, Inc., Eden Prarie, MN has change its name to Stellent, Inc.; and Zuercher Kantonalbank, Zurich, SWITZERLAND has changed its name to Zurich Cantonalbank. Also, 3ui.com Pte Ltd, Singapore, SINGAPORE; A.A.T. Analysis Automation trading S.r.l,

Florence, ITALY; Acer Communication & Multimedia Inc., Taipei, TAIWAN; Adam Comsof Ltd., Mumbai, INDIA; ADC, San Jose, CA; AddTrust AB, Malmo, SWENDEN; Adeptra Limited, Reading, Berkshire, UNITED KINGDOM; Altis Consulting Ltd, Thatcham, Berkshire, UNITED KINGDOM; AOL Europe, London, UNITED KINGDOM; AsiaInfo Holdings, Inc., Santa Clara, CA; Basic Six Integration, LLC, Palo Alto, CA; Bidhit.com, Inc., Kirkland, WA; Bowstreet Software, Inc., Portsmouth, NH; CCL/ITRI, Chutung, Hsinchu, TAIWAN; Cellmania, Inc., Mountain View, CA; Citigroup, Los Angeles, CA; Commtouch, Inc., Netanya, ISRAEL; Connect Austria, Vienna AUSTRIA; CR2 Limited, Dublin, IRELAND; CT Motion, Rosh Ha'ayin, ISRAEL; Dennotai, Co., Ltd., Tokyo, JAPAN; eDispatch.com Wireless Data Inc., Burnaby, British Columbia, CANADA; Eircell Plc 2000, Dublin, IRELAND; Entra Data AB, Stockholm, SWEDEN; Esat Digifone, Dublin, IRELAND; Etensity, Vienna, VA; Finesse Alliance International Pte Ltd, Singapore, SINGAPORE; Framfab, Stockholm, SWEDEN; Free Rain, Bellevue, WA; FST Fabbrica Servizi Telematici, Sarroch (CA), ITALY; GiantBear.com, White Plains, NY; Google, Inc., Mountain View, CA; GroupServe, Inc., Washington, DC; Guide Konsult AB, Solna, SWEDEN; HCL Technologies Ltd., Noida, UP, INDIA; ICO Global Communications, London, UNITED KINGDOM; In Fusio, Bordeaux, FRANCE; Informix Software, Inc., Menlo Park, CA; Infovention, Stockholm, SWEDEN; Interactive Trust Network, Inc., Atlanta, GA; Intrinsic Technology Limited (Shanghai), Shanghai, PEOPLE'S REPUBLIC OF CHINA; IONA Technologies, Inc., Waltham, MA; IT Network, Inc., Irving, TX; iXL Enterprises, Inc., Atlanta, GA; Jacada Inc., Atlanta, GA; JP Systems, Inc., Dallas, TX; Jumbuck Corporation Ltd., Melbourne, Victoria, AUSTRALIA; KG Telecommunications Co., Ltd., Taipei, TAIWAN; Kipling Systems AB, Karlskrona, SWEDEN; KnowledgePool Tieturi, Helsinki, FINLAND; Lava2140, Inc, Los Angeles, CA; LookSmart Ltd., San Francisco, CA; m-IQ Ltd.; London, UNITED KINGDOM; Macalla Software Ltd., Dublin, IRELAND; MapInfo Corporation, Troy, NY; Maporama, Paris Cedex, FRANCE; Marathon Technologies Corporation, Boxborough, MA; mCentric KSD, S.A., London, UNITED KINGDOM; ME.net Network Inc., New York, NY; Mercury Interactive Corporation, Sunnyvale, CA; Millenium Information Technologies, Colombo, SRI LANKA; Mobile Reach, Inc., Hillsborough, NC; MobileSoft Pty Limited, Sydney, New South Wales, AUSTRALIA; MobileSys, Inc., Mountain View, CA; Modem Media, Norwalk, CT; mvion, San Ramon, CA; MyAlert.com, SA, Madrid, SPAIN; MyWay.com, Andover, MA; Nettech Systems, Inc., Princeton, NJ; New Era of Networks Neon, Englewood, CO; NoTime Wireless, Halifax, Nova Scotia, CANADA; NotWired, Inc., Chicago, IL; OnDisplay, Inc., San Ramon, CA; OpenTV, Inc., Mountain View, CA; Outercurve Technologies, Inc., New York, NY; Oven Digital, Inc., New York, NY; PhoneOnline.com, Knoxville, TN; Probaris Technologies, Inc., Philadelphia, PA; Psion Computers Plc, London, UNITED KINGDOM; Quios, Inc., San Francisco, CA; R/GA, New York, NY; Rapp Digital Direct, Inc., New York, NY; Rare Medium Inc., New York, NY; Razorfish, Inc., Helsinki, FINLAND; ReadyCom, Inc., Chapel Hill, NC; Satama Interactive, Helsinki, FINLAND; Semotus Solutions, San Jose, CA; Sensei Limited, Aylesbury, Buckinghamshire, UNITED KINGDOM; Servicesoft, Inc., Natick, MA; Shenzhen New World Xianglong, Shen Zhen, Guangdong Province, PEOPLE'S REPUBLIC OF CHINA; Shenzhen Zhongxing-Suntek Data, Beijing, PEOPLE'S REPUBLIC OF CHINA; SmartServ Online, Inc., Stamford, CT; SolidStreaming, Inc., New York, NY; Sonata.com, New York, NY; Summus Limited, Raleigh, NC; SUNDAY O/B Mandarin, Quarry Bay, HONG KONG-CHINA; Surrey & City Consulting, Sutton, Surrey, UNITED KINGDOM; Taviz Technology, Inc., Palo Alto, CA; Teleknowledge Group, Kfar Saba, ISRAEL; TELESP CELULAR PARTICIPACOES, Sao Paulo, BRAZIL; Telxon Corp., The Woodlands, TX; Trema Laboratories SARL, Valbonne, FRANCE; Unimobile, Inc., Santa Clara, CA; UUNet Technologies Inc., Ashburn, VA; ValiCert, Inc., Mountain view, CA; Vanteon, Pittsford, NY; VAST Solutions, Inc., Addison, TX; Viafone, Redwood City, CA; Viridien Technologies, Inc., Boxborough, MA; VirtualTek Corporation, Seoul, REPUBLIC OF KOREA; Webtop DZ, Cambridge, UNITED KINGDOM; WellMed, Inc., Portland, OR; Wind Telecomumicaenmi SPA, Rome, ITALY; Zygo Communications Ltd., London, UNITED KINGDOM; abeama, inc., Clearwater, FL; Adcore AB, Sundbyberg, SWEDEN; Adera AB, Gothenburg, SWEDEN; Air2Web, Atlanta, GA; Airtel Movil, S.A., Madrid, SPAIN; Amazon.com, Seattle, WA; AtoBe, Naarden, THE NETHERLANDS; Axel Digital Group Oy, Helsinki, FINLAND; Centre for Wireless Communications, Singapore, SINGAPORE; CitiKey, London, UNITED KINGDON; Clarkston Potomac Group, Durham, NC; CoCoNet Global Interchange GmbH, Erkrath, GERMANY; Electronic Buriness Research Center, Hsinchu, TAIWAN; Evolving Systems, Inc., Englewood, CO; F5 Networks, Seattle, WA; Info2cell.com, Dubai Internet City, JORDAN; Infocomm Development Authority of Singapore, Singapore, SINGAPORE; Infowave Software, Inc., Burnaby, British Columbia, CANADA; Interleaf Inc., Waltham, MA; Ionic Microsystems Pvt. Ltd., Bangalore, INDIA; MACH SA, Bertrange, LUXEMBOURG; MobileOne Pte. Ltd., Singapore, SINGAPORE; MobileQ, Inc., Toronto, Ontario, CANADA; MovilGo Systems, Coral Gables, FL; Multimap.com, London, UNITED KINGDOM; NetLight Consulting AB, Solna, SWEDEN; Nexgeniz, Inc., Irvine, CA; OverNet Data, London, UNITED KINGDOM; Passcall Advanced Technologies LTD, Tirat Hacarmel, ISRAEL; Plumtree Software, Inc., San Francisco, CA; Red-M Limited, Wexham, Slough, Buckinghamshire, UNITED KINGDOM; ReefEdge, Inc., Fort Lee, NJ; SBC Communications Inc., Austin, TX; SeeBeyond, Redwood City, CA; SensCom, Inc., San Diego, CA; Silverline Technologies, Piscataway, NJ; Spyrus, Inc., San Jose, CA; STMicroelectronics, Inc., Vernier, SWITZERLAND; SurfControl plc, Congleton, Cheshire, UNITED KINGDOM; ThatWeb.com Private Limited, Singapore, SINGAPORE; The Met.Office, Bracknell, Berkshire, UNITED KINGDOM; Walker Digital, Stamford, CT; Xmarc, Inc., San Jose, CA; Xtempus, London, UNITED KINGDOM; YesMobile Holdings Co., Ltd;, Hong Kong, HONG KONG-CHINA; Zucotto Wireless, Ottawa, Ontario, CANADA and Cap Gemini Ernst & Young, Paris, FRANCE have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and WAP intends to file additional written notifications disclosing all changes in membership.

On March 18, 1998, WAP filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on December 31, 1998 (63 FR 72333).

The last notification was filed with the Department on July 12, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the

Act on November 13, 2001 (66 FR 56862).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–5538 Filed 3–7–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,162 and NAFTA–4822]

ME International, Inc. Duluth, MN; Notice of Affirmative Determination Regarding Application for Reconsideration

By letter of November 9, 2001, the United Steel Workers of America, Local 1028, District 11 requested administrative reconsideration of the Department of Labor's Notices of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistant (TA–W–39,162) and NAFTA—Transitional Adjustment Assistance (NAFTA–4822) for workers of the subject firm. The denial notices applicable to workers of ME International, Inc., Duluth, Minnesota, were signed on October 2, 2001, and published in the **Federal Register** on October 19, 2001, TA–W–39,162 (66 FR 53251) and NAFTA–4822 (66 FR 53252).

The company presents new information regarding potential customer purchases from Canada during the relevant period. Thus the information provided, warrants further petition investigation.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 12th day of February, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5581 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,375 and NAFTA–04939]

Sun Studs, Inc. Lone Rock Timber Company Lone Rock Logging Company Roseburg, OR; Notice of Negative Determination Regarding Application for Reconsideration

By application of September 18, 2001 and September 19, 2001, the company and petitioners, respectively requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA) under petition TA–W–39, 375 and North American Free Trade Agreement-Transitional Adjustment Assistance (NAFTA–TAA) under petition NAFTA–4939. The denial notices were signed on August 8, 2001 and published in the Federal Register on August 23, 2001 (66 FR 4378).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) if in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The TAA petition, filed on behalf of workers at Sun Studs, Inc., Lone Rock Timber Company, Lone Rock Logging Company, Roseburg, Oregon engaged in the production of veneer, was denied because the ''contributed importantly'' group eligibility requirement of section 222(3) of the Trade Act of 1974, as amended, was not met. The ''contributed importantly'' test is generally demonstrated through a survey of the workers' firm's customers. The Department conducted a survey of the subject company's major customers regarding their purchases of veneer. The survey revealed that none of the customers increased their import purchases of veneer, while reducing their purchases from the subject firm during the relevant period. The subject firm did not import veneer during the relevant period.

The NAFTA–TAA petition for the same worker group was denied because criteria (3) and (4) of the group eligibility requirements in paragraph (a)(1) of section 250 of the Trade Act, as amended, were not met. The survey revealed that the major customers did not increase their purchases of veneer, while decreasing their purchases from the subject firm during the relevant period. The subject firm did not import veneer like and directly competitive with what the subject plant produced from Mexico or Canada, nor was the veneer production shifted from the workers' firm to Mexico or Canada.

The petitioners supplied trade data depicting U.S. import trends during the relevant period.

The Department of Labor does examine and take into consideration trade statistics, but puts more emphasis on customer surveys to examine if the ''contributed importantly'' test is met, since this test demonstrates the direct impact on the subject firm. In addition to the initial survey showing no increased imports of veneer, the survey further indicates that some of the respondents increased their purchases of domestic veneer, rather than increasing their purchases of imported veneer during the relevant period.

The petitioners further allege that imported Canadian veneer was of a lower price then domestic veneer and thus the lower prices impacted the subject workers.

The price of veneer is not relevant to the TAA or NAFTA–TAA investigations that were filed on behalf of workers producing veneer.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decisions. Accordingly, the application is denied.

Signed at Washington, DC, this 11th day of February, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5583 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,568]

Alcatel Submarine Networks, Inc., Portland, Oregon; Notice of Negative Determination Regarding Application for Reconsideration

By application of October 2, 2001, the company requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The denial notice applicable to workers of Alcatel Submarine Networks, Inc., Portland, Oregon was issued on August 28, 2001, and was published in the **Federal Register** on September 11, 2001 (66 FR 47241).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The investigation findings revealed that criterion (3) of the group eligibility requirements of section 222 of the Trade Act of 1974 was not met. The decision was based on threatened sales decreases at the subject firm being affiliated exclusively to foreign customers and not domestic customers of Alcatel Submarine Networks, Inc., Portland, Oregon. Loss of export sales cannot be used as the basis for certification under the Trade Act of 1974.

The request for reconsideration shows that the company does have domestic customers. The company supplied a list of domestic customers with their request for reconsideration.

The review of data supplied during the initial investigation shows that plant sales, production and employment were relatively stable (upward bias) during the period of the investigation and therefore a survey would not have been conducted.

Based on the information supplied during the initial investigation, it appears that a shift in plant production to a foreign source may have recently occurred, with the possibility of fiber optic cable being imported back to the United States from an affiliated source. These events are beyond the relevant period of the initial investigation. Therefore, petitioners are encouraged to reapply for TAA if the events, as discussed, occurred since the outcome of the initial decision.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 4th day of February 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5573 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,109]

Alcoa, Inc. St. Lawrence Plant Massena, NY; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Alcoa, Inc., St. Lawrence Plant, Massena, New York. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–39,109; Alcoa, Inc., St. Lawrence Plant, Massena, New York (February 27, 2002)

Dated: Signed at Washington, DC this 1st day of March, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5579 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,453]

The Arnold Engineering Company Ferrite Products Division Sevierville, TN; Notice of Revised Determination on Reconsideration

On January 18, 2002, the Department issued an Affirmative Determination Regarding Application on Reconsideration applicable to workers and former workers of the subject firm. The notice was published in the **Federal Register** on February 5, 2002 (67 FR 5295).

On September 25, 2001 the Department initially denied TAA to workers of The Arnold Engineering Company, Ferrite Products Division, Sevierville, Tennessee producing ceramic hard ferrite magnets because the ''contributed importantly'' group eligibility requirement of Section 222 of the Trade Act of 1974, as amended, was not met.

On reconsideration, the department surveyed additional customers of the subject plant regarding their purchases of ceramic hard ferrite magnets during the relevant period. The survey revealed that major declining customer(s) increased their imports of ceramic hard ferrite magnets, while decreasing their purchases from the subject plant during the relevant period.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with ceramic hard ferrite magnets, contributed importantly to the declines in sales or production and to the total or partial separation of workers of The Arnold Engineering Company, Ferrite Products Division, Sevierville, Tennessee. In accordance with the provisions of the Act, I make the following certification:

All workers of The Arnold Engineering Company, Ferrite Products Division, Sevierville, Tennessee who became totally or partially separated from employed on or after May 30, 2000 through two years of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC this 11th day of February 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5572 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,009, TA–W–39,009A, and TA–W–39,009B]

Astaris LLC, Pocatello, ID; Astaris LLC, Princeton, NJ; Astaris LLC, Denver, CO; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on June 18, 2001, applicable to workers of Astaris LLC, Pocatello, Idaho. The notice was published in the **Federal Register** on June 5, 2001 (66 FR 35463).

At the request of the company, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of elemental phosphorus.

New information shows that worker separations occurred at the Princeton, New Jersey and Denver, Colorado locations of Astaris LLC when they closed in November 2001 and January 2002 respectively. These locations provided technical research and engineering support services solely to the subject firms' production facility in Pocatello, Idaho which closed in 2001.

Accordingly, the Department is amending the certification to include the workers of the Princeton, New Jersey and Denver, Colorado locations of Astaris LLC.

The intent of the Department's certification is to include all workers of Astaris LLC who were adversely affected by increased imports.

The amended notice applicable to TA–W–39,009 is hereby issued as follows:

All workers of Astaris LLC, Pocatello, Idaho (TA–W–39,009), Astaris LLC, Princeton, New Jersey (TA–W–39,009A) and Astaris LLC, Denver, Colorado (TA–W–39,009B) who became totally or partially separated from employment on or after April 2, 2000, through June 18, 2003, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 4th day of February, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5582 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,163]

Bridgestone/Firestone Tire and Rubber Company, Inc. Decatur, IL; Notice of Revised Determination on Reconsideration

By application of November 20, 2001, the United Steel Workers of America, Local 713 requested administrative reconsideration regarding the Department's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm.

The initial investigation resulted in the negative determination, based on the finding that imports of light truck and passenger (radial) tires did not contribute importantly to worker separations at the subject plant. The denial notice was signed on September 25, 2001 and published in the **Federal Register** on October 11, 2001 (66 FR 51773).

The applicant on reconsideration indicated that shortly after their petition was filed, the company announced that they would close the subject plant down permanently. The petitioner further indicates that plant production will be replaced with imported tires.

An examination of additional documentation furnished by the petitioner and further review of existing information supplied by the company during the initial investigation reveals that the company increased their reliance on imported tires during the relevant period.

Conclusion

After careful consideration of the new facts obtained on reconsideration, it is concluded that increased imports of tires, contributed importantly to the decline in production and to the total or partial separation of workers at Bridgestone/Firestone Tire and Rubber Company, Inc., Decatur, Illinois. In accordance with the provision of the Act, I make the following revised determination:

Workers of Bridgestone/Firestone Tire and Rubber Company, Inc., Decatur, Illinois, who became totally or partially separated from employment on or after April 30, 2000 through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC this 25th day of February 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5586 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,172]

Celanese AG, Celanese Acetate Division, Rock Hill, SC; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 (C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Celanese AG, Celanese Acetate Division, Rock Hill, South Carolina. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–39,172; Celanese AG, Celanese Acetate Division, Rock Hill, South Carolina (February 22, 2002)

Signed at Washington, D.C. this 1st day of March, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5576 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,535; TA–W–39,535A; TA–W–39,535B]

Computer Sciences Corporation, at Dupont Corporation, Cooper River Plant, Charleston, SC; Computer Sciences Corporation, at Dupont Corporation, Cape Fear Plant, Wilmington, NC; Computer Sciences Corporation, at Dupont Corporation, Kinston Plant, Kinston, NC; Notice of Revised Determination on Reconsideration

By application of October 29, 2001, the petitioner, requested administrative reconsideration regarding the Department's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm.

The initial investigation resulted in a negative determination issued on August 31, 2001 based on the finding that the workers do not produce an article within the meaning of section 222(3) of the Trade Act of 1974. The denial notice was published in the **Federal Register** on September 21, 2001 (66 FR 48706).

To support the request for reconsideration, the applicant provided additional information explaining the functions performed at each of the subject plant locations and further indicated the contract work they performed was related to the production activities at the Dupont Corporation plants which were under an existing TAA certification (TA–W–35,961).

Upon examination of the data supplied by the applicant, it became apparent that the Computer Science Corporation contract workers were engaged in employment related to the production of polyester fiber at Dupont plants under an existing TAA certification. Subject firm declines in employment occurred at all three plants during the relevant period. The Dupont plants were certified eligible to apply for Trade Adjustment Assistance under TA–W–35,961 (expired August 23, 2001) followed by a further TAA certification under TA–W–39,743 (which commenced on August 24, 2001).

Based on data supplied by Dupont Corporation in case TA–W–39,743, it has become evident that all criteria have been met for Computer Science Corporation workers performing work related to the production activities at the Dupont plants located at Charleston, South Carolina, Wilmington, North Carolina and Kinston, North Carolina. Plant sales, production and employment declined and customer imports increased during the relevant period.

Conclusion

After careful review if the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with those produced at Dupont Corporation's, Cooper River Plant, Charleston, South Carolina, Cape Fear Plant, Wilmington, North Carolina and Kinston Plant, Kinston, North Carolina, contributed importantly to the declines in the total or partial separation of Computer Sciences Corporation workers, who performed work at the three Dupont plants. In accordance with the provisions of the Act, I make the following certification:

Workers of Computer Sciences Corporation engaged in employment activities related to the production of polyester fiber at Dupont Corporation's, Cooper River Plant, Charleston, South Carolina (TA–W–39,535), Cape Fear Plant, Wilmington, North Carolina (TA–W–39,535A) and Kinston Plant, Kinston, North Carolina (TA–W–39,535B), who became totally or partially separated from employment on or after June 20, 2000 through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC this 19th day of February 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5588 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,530]

Facemate Corporation, Collierville, TN; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Facemate Corporation, Collierville, Tennessee. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–39,530; Facemate Corporation, Collierville, Tennessee (February 15, 2002).

Signed at Washington, DC this 1st day of March, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5578 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,233]

Garan Manufacturing, Adamsville, Tennessee; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 20, 2001, applicable to all workers of Garan Manufacturing located in Adamsville, Tennessee. The notice was published in the **Federal Register** on January 11, 2002 (67 FR 1509).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. Information contained in the files show that workers engage in employment related to sewing children's shirts at Garan, Incorporated, Adamsville, Tennessee, were certified eligible to apply for TAA under petition TA–W–36,729, which did not expire until October 13, 2001. In order to not exclude any potential worker eligibility, and in order avoid an overlap in worker group coverage for the Garan workers in Adamsville, Tennessee, the Department is amending this certification to change the impact date to October 2, 2000 for all workers of the firm except those workers engaged in ''sewing'' prior to October 13, 2001 (those workers that would have been covered under TA–W–36,729).

The amended notice applicable to TA–W–40,233 is hereby issued as follows:

All workers of Garan Manufacturing, Adamsville, Tennessee, who became totally or partially separated from employment on or after October 2, 2000, through December 20, 2003, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974. Workers engaged in ''sewing'' prior to October 13, 2001 were covered under certification TA–W–36,729 and are covered under this certification beginning October 14, 2001, through December 20, 2003.

Signed in Washington, DC this 14th day of February 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5590 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,205]

Glass Works WV, L.L.C. Weston, WV; Notice of Revised Determination on Reconsideration

By application of December 14, 2001, the United Steel Workers of America, Local 162 S requested administrative reconsideration regarding the Department's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm.

The initial investigation resulted in a negative determination, based on the finding that imports of mouth-blown glass tableware did not contribute importantly to worker separations at the subject plant. The denial notice was signed on November 9, 2001 and published in the **Federal Register** on November 30, 2001 (66 FR 59817).

The applicant on reconsideration provided additional information including an indication that the company was approved eligible for assistance under the U.S. Department of Commerce, Trade Adjustment Assistance for firms program.

An examination of additional documentation furnished by the U.S. Department of Commerce shows that customers increased their import purchases of glass tableware, while decreasing their purchases from the subject plant during the relevant period. Therefore, criterion (3) of the worker group eligibility requirements of section 222 of the Trade Act of 1974, as amended, is met.

Conclusion

After careful consideration of the new facts obtained on reconsideration, it is concluded that increased imports of mouth-blown glass tableware, contributed importantly to the decline in production and to the total or partial separation of workers at Glass Works WV, LLC, Weston, West Virginia. In accordance with the provisions of the Act, I make the following revised determination:

Workers of Glass Works WV, L.L.C., Weston, West Virginia, who became totally or partially separated from employment on or after September 20, 2000 through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC this 20th day of February 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5585 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,921]

Glenshaw Glass Company, Glenshaw, PA; Notice of Revised Determination on Reconsideration

On November 30, 2001, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The notice was published in the **Federal Register** on December 26, 2001 (66 FR 66430).

The Department initially denied TAA to workers of Glenshaw Glass Company, Inc., Glenshaw, Pennsylvania based on criterion (3) of the group eligibility requirements of section 222 of the Trade Act of 1974, as amended, not being met. Increased imports did not contribute importantly to worker separations at the subject firm. The workers at the subject firm were engaged in employment related to the production of glass containers.

The Department of Labor investigated the allegations made by the applicant that imports of glass containers contributed importantly to the terminations at the subject firm.

The Department of Labor conducted a sample survey of the major declining customers regarding their purchases of glass containers during the relevant period. The survey revealed that respondents increased their reliance on imported glass containers during the relevant period.

Conclusion

After careful consideration of the new facts obtained on reconsideration, it is concluded that increased imports of glass containers, contributed importantly to the decline in production and to the total or partial separation of workers at Glenshaw Glass Company, Inc., Glenshaw, Pennsylvania. In accordance with the provisions of the Act, I make the following revised determination:

Workers of Glenshaw Glass Company, Inc., Glenshaw, Pennsylvania, who became totally or partially separated from employment on or after March 12, 2000 through two years from the date of this certification, are eligible to apply for adjustment assistance under assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC this 19th day of February 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5584 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,611]

HR Textron Cadillac Gage, David Brown Hydraulics, Greenville, OH; Notice of Negative Determination Regarding Application for Reconsideration

By application of August 24, 2001, the Excello Independent Union requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The denial notice applicable to workers of HR Textron Cadillac Gage, David Brow Hydraulics, Greenville, Ohio was issued on July 18, 2001, and was published in the **Federal Register** on August 6, 2001 (66 FR 41052).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The investigation findings revealed that criterion (3) of the group eligibility requirements of section 222 of the Trade Act of 1974 was not met. The decision was based on imports not contributing importantly to the decline in employment at the subject plant. The decline in employment was related to a domestic shift in plant production. The workers produced hydraulic pumps and turret systems for military tanks.

The request for reconsideration alleges that hydraulic pumps are imported from an affiliated plant located in Poole, England.

A review of the investigation and clarification from the company indicates that during the relevant period of the investigation, the subject plant workers assembled hydraulic pumps from imported hydraulic pump components produced at an affiliated plant located in Poole, England. The Poole, England plant shipped the components to the subject plant, but did not import the completed hydraulic pumps to the United States (except under rare occasions) during the relevant period.

New information provided by the company shows that the Poole facility began shipping completed hydraulic pumps back to the United States during December 2001, which is beyond the scope of the relevant period of the initial investigation. Therefore, petitioners are encouraged to reapply for TAA, so an investigation can be conducted to establish these new facts as they relate to the workers of the subject firm during the relevant time frame.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 4th day of February 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5571 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,832]

King Press Corporation Joplin, MO; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on February 19, 2002, in response to a company petition which was filed on behalf of workers at King Press Corporation, Joplin, Missouri.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 28th day of February, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–5595 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,063]

Laclede Steel Company, St. Louis, MO; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 24, 2001 in response to a worker petition which was filed on the same date on behalf of workers at Laclede Steel Company, St. Louis, Missouri. The subject plant is located in Alton, Illinois.

The petitioning group of workers is subject to an ongoing investigation for which a determination has not yet been issued (TA–W–40,032). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 25th day of February, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5594 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,931; TA–W–39,931A]

Minster Machine Company, Minster, OH; Minster Machine Company, Beaufort Operation, Beaufort, SC; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on January 2, 2002, applicable to workers of Minster Machine Company, Minster, Ohio. The notice was published in the **Federal Register** on January 11, 2002 (67 FR 1511).

At the request of the company, the Department reviewed the certification for workers of the subject firm. The company reports that worker separations occurred at the Beaufort Operation, Beaufort, South Carolina location of Minster Machine Company. The Beaufort Operation produces material handling equipment required for the operation of punch presses produced at the Minster, Ohio location of the subject firm.

Based on these findings, the Department is amending the certification to include workers of the Beaufort Operation, Beaufort, South Carolina location of Minster Machine Company.

The intent of the Department's certification is to include all workers of Minster Machine Company who were adversely affected by increased imports.

The amended notice applicable to TA–W–39,931 is hereby issued as follows:

All workers of Minster Machine Company, Minster, Ohio (TA–W–39,931) and Minster Machine Company, Beaufort Operation, Beaufort, South Carolina (TA–W–39,931A) who became totally or partially separated from employment on or after August 16, 2000, through January 2, 2004, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 7th day of February, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–5574 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[Docket No. TA–W–39,539]

Mission Valley Fabrics Plains Cotton Cooperative Association New Braunfel, TX; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 15, 2002, applicable to workers of Mission Valley Fabrics, New Braunfels, Texas. The notice was published in the **Federal Register** on January 31, 2002 (67 FR 4750).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of yarn died woven fabrics. New information shows that Plains Cotton Cooperative Association is the parent firm of Mission Valley Fabrics, New Braunfels, Texas.

Information also shows that some workers separated from employment at the subject firm had their wages reported under a separate unemployment insurance (UI) tax account for Plains Cotton Cooperative Association.

Accordingly, the Department is amending the certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of Mission Valley Fabrics, New Braunfels, Texas who were adversely affected by increased imports.

The amended notice applicable to TA–W–39,539 is hereby issued as follows:

All workers of Mission Valley Fabrics, Plains Cotton Cooperative Association, New Braunfels, Texas who became totally or partially separated from employment on or after June 14, 2000, through January 15, 2004, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 4th day of February, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–5587 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,928A]

Motorola, Inc., Personal Communications Sector, Libertyville, IL; Including Employees of Motorola, Inc., Personal Communications Sector Located in California, Florida, Indiana, Massachusetts, Michigan, Mississippi, North Carolina, New Jersey, New York, Texas and Wisconsin; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on July 25, 2001, applicable to workers of Motorola, Inc., Personal Communications Sector, Harvard, Illinois and Libertyville, Illinois. The notice was published in the **Federal Register** on August 15, 2002 (66 FR 42887).

At the request of the company, the Department reviewed the certification for workers of the subject firm. New information shows that workers separations occurred involving employees of the Libertyville, Illinois facility of Motorola's Personal Communications Sector located in California, Florida, Indiana, Massachusetts, Michigan, Mississippi, North Carolina, New Jersey, New York, Texas and Wisconsin. These employees were engaged in employment related to the production of cellular phones at the Libertyville, Illinois location of the subject firm.

Based on these findings, the Department is amending this certification to include employees of the Libertyville, Illinois location of Motorola, Inc., Personal Communication Sector located in California, Florida, Indiana, Massachusetts, Michigan, Mississippi, North Carolina, New Jersey, New York, Texas and Wisconsin.

The intent of the Department's certification is to include all workers of Motorola, Inc., Personal Communications Sector adversely affected by increased imports.

The amended notice applicable to TA–W–38,928A is hereby issued as follows:

All workers of Motorola, Inc., Personal Communication Sector, Libertyville, Illinois, including employees of Libertyville, Illinois located in California, Florida, Indiana, Massachusetts, Michigan, Mississippi, North Carolina, New Jersey, New York, Texas and Wisconsin, who became totally or partially separated from employment on or after February 14, 2000, through April 13, 2003, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 7th day of February, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–5591 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TAW39, 065 and TAW39, 065A]

Mundy Industrial Contractor at Dupont Corporation, Kinston Plant, Kinston, NC; Mundy Industrial Contractors At Dupont Coporation, Cape Fear Plant, Wilmington (Leland), NC; Notice of Revised Determination on Reconsideration

By application of August 24, 2001, the petitioner, requested administrative reconsideration regarding the Department's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm.

The initial investigation resulted in a negative determination issued on July 30, 2001, based on the finding that criterion (1) of the group eligibility requirements of Section 222 of the Trade Act of 1974 was not met. Employment increased during the relevant period. The denial notice was published in the **Federal Register** on August 15, 2001 (66 FR 42878).

To support the request for reconsideration, the applicant provided additional information explaining the trends in employment of the contract workers engaged in activities relating to the production of polyester fiber at the two Dupont plants.

Upon examination of the data supplied by the applicant, it became apparent that declines in employment occurred at both plants during the relevant period. The workers were engaged in activities related to production of polyester fiber at the two Dupont Corporation plants. The Dupont plants were certified eligible to apply for Trade Adjustment Assistance under TA–W–35, 961 (expired August 23, 2001) followed by a further TAA certification under TA–W–39 743 (which began on August 24, 2001).

Based on data supplied by Dupont Corporation in case TA–W–39, 743, it has become evident that all criteria have been met for the workers of Mundy Industrial Contactors working at Dupont Corporation, Kinston Plant, Kinston, North Carolina and Cape Fear Plant, Wilmington, (Leland), North Carolina performing work related to the production activities at these certified plants. Plant sales, production and employment declined and customer imports increased during the relevant period.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with those produced at Dupont Corporation's Cape Fear Plant, Wilmington (Leland), North Carolina and Dupont Corporation's Kinston Plant, Kinston, North Carolina, contributed importantly to the declines in the total or partial separation of Mundy Industrial Contactors workers, who performed work in direct support of the production of polyester fiber at the two Dupont plants. In accordance with the provisions of the Act, I make the following certification:

Workers of Mundy Industrial Contractors engaged in employment activities related to the production of polyester fiber at Dupont Corporation's, Kinston Plant, Kinston, North Carolina (TA–W–39, 065) and Cape Fear Plant, Wilmington (Leland), North Carolina (TA–W–39), 065A), who became totally or partially separated from employment on or after April 5, 2000 through two years from the date of this certification, are eligible to

apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC this 19th day of February 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5589 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,394]

Pittsburgh Gear Works, Inc., Pittsburgh, PA; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Pittsburgh Gear Works, Inc., Pittsburgh, Pennsylvania. The application contained no new substantial information which could bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–39,394; Pittsburgh Gear Works, Inc., Pittsburgh, Pennsylvania (February 28, 2002)

Signed at Washington, DC this 1st day of March, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5575 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

United States Steel, LLC, Fairless Hills, Notice of Affirmative Determination Regarding Application for Reconsideration

By letter of November 27, 2001, the United Steel Workers of America requested administration reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to workers of the subject firm. The denial notice was signed on September 28, 2001, and published in the **Federal Register** on December 5, 2001 (66 FR 63261). The workers were engaged in activities related to the production of tin mill products.

The petitioner requested that the Department examine additional customers of the subject plant regarding their purchases of tin mill products during the relevant period. The Department of Labor will conduct a survey of these additional customers to determine if imports contributed importantly to the declines in employment at the subject plant.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 11th day of February, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5592 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,946]

Valley Machine Company, Rock Valley, IA; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Valley Machine Company, Rock Valley, Iowa. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–39,946; Valley Machine Company, Rock Valley, Iowa (February 15, 2002)

Signed at Washington, DC this 1st day of March, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5577 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–4915]

Equitable Resources Division of Kentucky West Virginia Gas Company LLC Prestonburg, KY; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Equitable Resources, A Division of Kentucky West Virginia Gas Company LLC, Prestonburg, Kentucky. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

NAFTA—4915; Equitable Resources, Division of Kentucky West Virginia Gas Company LLC, Prestonburg, Kentucky (February 26, 2002)

Signed at Washington, DC this 1st day of March, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–5580 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–5703]

ITT Industries Newton, MA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on January 7, 2002, in response to a petition filed by a company official on behalf of workers at ITT Industries, Newton, Massachusetts.

The petitioners submitting the petition have requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 22nd day of February 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–5593 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–05854]

Smiths-Group Plc., Portex, Inc., Fort Myers, FL; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance, hereinafter called (NAFTA–TAA), and in accordance with section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on February 8, 2002, in response to a petition filed by a company official on behalf of workers at Smiths-Group Plc., Portex, Inc., Fort Myers, Florida.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 28th day of February, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–5596 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment Standards Administration

Wage and Hour Division; Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department.

Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC 20210.

New General Wage Determination Decision

The number of the decisions added to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and related Acts'' are listed by Volume and States:

Volume VI

Colorado
- C0020001 (Mar. 8, 2002)
- C0020002 (Mar. 8, 2002)
- C0020003 (Mar. 8, 2002)
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Modification to General Wage Determination Decisions

The number of the decisions listed to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

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General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under the Davis-Bacon And Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

General wage determinations issued under the Davis-Bacon and related Acts are available electronically at no cost on the Government Printing Office site at *www.access.gpo.gov/davisbacon.* They are also available electronically by subscription to the Davis-Bacon Online Service *(http://davisbacon.fedworld.gov)* of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068. This subscription offers value-added features such as electronic delivery of modified wage decisions directly to the user's desktop, the ability to access prior wage decisions issued during the year, extensive Help desk Support, etc.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate Volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which

includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, This 28th day of February 2002.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 02–5321 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR 1218–0209 2001]

Agency Information Collection Activities; Announcement of OMB Approval

AGENCY: Occupational Safety and Health Administration.

ACTION: Notice.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is announcing that a collection of information regarding occupational injuries and illnesses has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. This document announces the OMB approval number and expiration date.

FOR FURTHER INFORMATION CONTACT: Joseph J. DuBois, Directorate of Information Technology, Office of Statistics, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3507, 200 Constitution Avenue, NW, Washington, DC 20210, telephone (202) 693–1875.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 11, 2001 (66 FR 47246–47247), the Agency announced its intent to request an extension of approval for the OSHA Data Collection System. This data collection will request occupational injury and illness data and employment and hours worked data from selected employers in the following Standard Industrial Classifications (SICs):

15–17 Construction
20–39 Manufacturing
0181 Ornamental Floriculture and Nursery Products
0182 Food Crops Grown Under Cover
0211 Beef Cattle Feedlots
0212 Beef Cattle, Except Feedlots
0213 Hogs
0124 Sheep and Goats
0219 General Livestock, Except Dairy and Poultry
0241 Diary Farms
0251 Broiler, Fryer, and Roaster Chickens
0252 Chicken Eggs
0253 Turkeys and Turkey Eggs
0254 Poultry Hatcheries
0259 Poultry and Eggs, NEC
0291 General Farms, Primarily Livestock and Animal Specialties
0782 Lawn and Garden Services (North Carolina only)
0783 Ornamental Shrub and Tree Services
4212 Local Trucking Without Storage
4213 Trucking, Except Local
4214 Local Trucking With Storage
4215 Courier Services, Except Air
4221 Farm Product Warehousing and Storage
4222 Refrigerated Warehousing and Storage
4225 General Warehousing and Storage
4226 Special Warehousing and Storage, NEC
4231 Terminal and Joint Terminal Maintenance Facilities for Motor Freight Transportation
4311 United States Postal Service
4491 Marine Cargo Handling
4492 Towing and Tugboat Services
4493 Marinas
4499 Water Transportation Services, NEC
4512 Air Transportation, Scheduled
4513 Air Courier Services
4581 Airports, Flying Fields, & Airport Terminal Services
4783 Packing and Crating
4952 Sewerage Systems (California only)
4953 Refuse Systems
4959 Sanitary Services, NEC (California only)
5012 Automobiles and Other Motor Vehicles
5013 Motor Vehicle Supplies and New Parts
5014 Tires and Tubes
5015 Motor Vehicle Parts, Used
5031 Lumber, Plywood, Millwork, and Wood Panels
5032 Brick, Stone, and Related Construction Materials
5033 Roofing, Siding and Insulation Materials
5039 Construction Materials, NEC
5051 Metal Service Centers and Offices
5052 Coal and Other Minerals and Ores
5093 Scrap and Waste Materials
5141 Groceries, General Line
5142 Packaged Frozen Food Products
5143 Dairy Products, Except Dried or Canned
5144 Poultry and Poultry Products
5145 Confectionery
5146 Fish and Seafoods
5147 Meats and Meat Products
5148 Fresh Fruits and Vegetables
5149 Groceries and Related Products, NEC
5181 Beer and Ale
5182 Wine and Distilled Alcoholic Beverages
5211 Lumber and Other Building Materials Dealers
5311 Department Stores (Pilot collection)
5411 Grocery Stores (Maryland only)
8051 Skilled Nursing Care Facilities
8052 Intermediate Care Facilities
8059 Nursing and Personal Care Facilities, NEC
8062 General Medical and Surgical Hospitals (Pilot collection)
8063 Psychiatric Hospitals (Pilot collection)
8069 Specialty Hospitals, Except Psychiatric (Pilot collection)

In addition, OSHA will collect data from establishments that were visited by OSHA after October 1, 1997 and are required to maintain the OSHA Log. Information will also be collected from Public Sector establishments in certain State Plan States.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), OMB has renewed its approval for the information collection and assigned OMB control number 1218–0209. The approval expires 02/28/2003. Under 5 CFR 1320.5(b), an Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Dated: March 4, 2002.

John L. Henshaw,

Assistant Secretary of Labor.

[FR Doc. 02–5607 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meeting; Notice of Meeting

TIME AND DATE: 10 a.m., Wednesday, March 13, 2002.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Requests from two (2) Federal Credit Unions to Expand their Community Charters.
2. Request from a Federal Credit Union to add an Underserved Area to its Field of Membership.
3. Request from a Corporate Federal Credit Union for a Field of Membership Amendment.
4. Connecticut Member Business Loan Rule.
5. Final Rule: Parts 741 and 702, Financial and Statistical Reports.

RECESS: 11:15 a.m.

TIME AND DATE: 11:30 a.m., Wednesday, March 13, 2002.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Action under section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii) and (9)(B).

2. Request by a Corporate Credit Union to waive Part III Expanded Authorities and amend Part IV Expanded Authorities. Closed pursuant to exemption (8).

3. Revisions to Human Resource Delegations of Authority. Closed pursuant to exemption (2) and (6).

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone 703–518–6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 02–5765 Filed 3–6–02; 2:15 pm]

BILLING CODE 7535–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–272, 50–311, and 50–354]

PSEG Nuclear LLC, Exelon Generation Company, LLC; Notice of Partial Withdrawal of Application for Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of PSEG Nuclear LLC (the licensee) to withdraw a portion of its March 5, 2001, application, for proposed amendments to Facility Operating License (FOL) Nos. DPR–70 and DPR–75 for the Salem Nuclear Generating Station, Unit Nos. 1 and 2 (Salem), and FOL No. NPF–57 for the Hope Creek Generating Station (HCGS), located in Salem County, New Jersey.

The proposed amendments would revise License Condition 2.E in each of the respective FOLs to reflect the NRC's approval of changes to the Salem-Hope Creek Security Plan and the Salem-Hope Creek Security Training and Qualification Plan.

On December 17, 2001, the licensee submitted a letter to the NRC requesting withdrawal of the portion of the proposed change pertaining to escort of vehicles within the protected area.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing published in the **Federal Register** for Salem on June 27, 2001 (66 FR 34288), and for HCGS on July 11, 2001 (66 FR 36343). For further details with respect to this action, see the application for amendments dated March 5, 2001, and the licensee's letter dated December 17, 2001, which withdrew a portion of the application for license amendments. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/reading-rm.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC Public Document Room (PDR) Reference staff by telephone at 1–800–397–4209, 301–415–4737 or by email to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 22nd day of February, 2002.

For the Nuclear Regulatory Commission.

Richard B. Ennis,

Sr. Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02–5554 Filed 3–7–02; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27493]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

March 1, 2002.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 26, 2002, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After March 26, 2002, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Exelon Corporation, et al. (70–10050)

Exelon Corporation (''Exelon''), a registered holding company, and four Exelon subsidiary companies, Exelon Ventures Company, LLC (''Ventures''), Exelon Enterprises Company, LLC (''Enterprises''), Exelon Generation Company, LLC (''Genco''), and Exelon Energy Delivery Company, LLC (''Delivery''), all located at 10 South Dearborn Street, 37th Floor, Chicago, Illinois 60603 (collectively, ''Applicants'') have filed an application-declaration (''Application'') under sections 9(a), 9(c), 10, 11(b), 12(c), 12(f), 32, 33, 34 and rules 42, 43, 53, 54, and 58 of the Act.

Applicants request the following authority for the period ending June 30, 2005 (''Authorization Period''):

Development and Administrative Activities

Exelon requests authority, directly or through subsidiaries, to engage in preliminary development activities (''Development Activities'') and administrative and management activities (''Administrative Activities'') related to exempt wholesale generators (''EWGs''), foreign utility companies (''FUCOs''), exempt telecommunications companies (''ETCs''), subsidiaries permitted under rule 58 of the Act (''Rule 58 Subsidiaries''), and energy-related subsidiaries operating outside the United States (''Energy-related Subsidiaries'') (collectively, ''Permitted Nonutility Investments''). Exelon proposes to expend directly or through subsidiaries up to $500 million in the aggregate outstanding at any time during the Authorization Period on Development Activities.[1]

Development Activities will be limited to due diligence and design review; market studies; preliminary engineering; site inspection; preparation of bid proposals, including the posting of bid bonds; application for required permits and/or regulatory approvals; acquisition of site options and options on other necessary rights; negotiation

[1] Expenditures in EWGs, FUCOs, Rule 58 Subsidiaries and Energy-related Subsidiaries, which count against the ''aggregate investment'' limitation of rule 53 or rule 58, as modified by Commission orders applicable to Exelon, will not count against the $500 million limitation for Development Activities.

and execution of contractual commitments with owners of existing facilities, equipment vendors, construction firms, power purchasers, thermal ''hosts,'' fuel suppliers and other project contractors; negotiation of financing commitments with lenders and other third-party investors; and other preliminary activities that may be required in connection with the purchase, acquisition or construction of facilities or the securities of other companies. Development Activities will be designed to eventually result in a Permitted Nonutility Investment.

Exelon proposes a ''revolving fund'' concept for permitted Development Activities. To the extent a subsidiary for which amounts were expended for Development Activities becomes an EWG, FUCO, Rule 58 Subsidiary or Energy-related Subsidiary, the amount expended in development of that entity will no longer count against the limitation set for Development Activities but will then count against the limitation on the aggregate investment under rules 53 or 58, as modified by Commission order applicable to Exelon. The approval sought will not increase Exelon's authorized amount of aggregate investment in EWGs and FUCOs nor increase the permitted aggregate investment authorized under rule 58.

Incidental Acquisition of Nonutility Assets

Exelon requests authority to expend directly or through subsidiaries up to $500 million to construct or acquire energy assets that are incidental and related to its business as an electricity and energy commodities marketer and broker (''Energy Assets'') or to acquire the securities of one or more existing or new companies substantially all of whose physical properties consist or will consist of Energy Assets. Exelon's business as an electricity and energy commodities marketer and broker is conducted through Genco or Permitted Nonutility Investments. Energy Assets acquired will not include ''utility assets'' within the meaning of the Act. Energy Assets will not constitute additional investments in EWGs or FUCOs.

New Intermediate Subsidiaries for Internal Corporate Structuring

Exelon requests authority to acquire directly or through subsidiaries the securities of one or more corporations, trusts, partnerships, limited liability companies or other entities (''Intermediate Subsidiaries'') which would be created and organized exclusively for the purpose of acquiring, holding and/or financing or facilitating the acquisition of Permitted Nonutility Investments. These transactions will involve only internal organization and no authority is sought to acquire any new business not otherwise approved, authorized or exempted. Intermediate Subsidiaries may also engage in Development Activities and Administrative Activities.

Applicants state that there are several legal and business reasons for the use of Intermediate Subsidiaries in connection with making investments in Permitted Nonutility Investments. An Intermediate Subsidiary may be organized, among other things: (1) To facilitate the making of bids or proposals to develop or acquire an interest in any EWG, FUCO, ETC, or other nonutility company which, upon acquisition, would qualify as a Rule 58 Subsidiary or Energy-related Subsidiary; (2) after the award of such a bid proposal, to facilitate closing on the purchase or financing of such acquired company; (3) at any time subsequent to the consummation of an acquisition of an interest in any such company in order, among other things, to effect an adjustment in the respective ownership interests in such business held by the Exelon system and non-affiliated investors; (4) to facilitate the sale of ownership interests in one or more acquired Permitted Nonutility Investments; (5) to comply with applicable laws of foreign jurisdictions limiting or otherwise relating to the ownership of domestic companies by foreign nationals; (6) as a part of tax planning in order to limit Exelon's exposure to U.S. and foreign taxes; (7) to further insulate Exelon and its utility subsidiaries from operational or other business risks that may be associated with investments in nonutility companies; or (8) for other lawful business purposes.

Investments in Intermediate Subsidiaries may take the form of any combination of the following: (1) Purchases of capital shares, partnership interests, member interests in limited liability companies, trust certificates or other forms of voting or non-voting equity interests; (2) capital contributions; (3) open account advances without interest; (4) loans; and (5) guarantees issued, provided or arranged in respect of the securities or other obligations of any Intermediate Subsidiaries. Funds for any direct or indirect investment in any Intermediate Subsidiary will be derived from Exelon's available funds. No authority is sought for additional financing authority. To the extent that Exelon provides funds directly or indirectly to an Intermediate Subsidiary which are used to make an investment in an EWG, FUCO, Rule 58 Subsidiary or Energy-related Subsidiary, the amount of these funds will be included in Exelon's ''aggregate investment'' in such entities, as calculated in accordance with rules 53 or 58 of the Act, as applicable and as modified by Commission order applicable to Exelon.[2]

Internal Corporate Reorganization of Existing Investments

Exelon and its subsidiaries request authority to undertake internal reorganizations of existing and permitted nonutility subsidiaries and businesses. For example, a nonutility subsidiary may be moved to be a subsidiary of a different parent company. The internal reorganizations will be accomplished through a contribution, sale, distribution, assignment or other transfer from one entity and the acquisition by another entity of the securities, assets or interests in such entities. The internal corporate reorganizations will not include any transfer of utility assets or the securities of any utility subsidiary. These transactions will involve only internal reorganizations, and no authority is sought to acquire any new business not otherwise approved, authorized or exempted under the Act.

Exelon and its subsidiaries request authority, to the extent not exempt, to sell or otherwise transfer (1) nonutility businesses, (2) the securities of current subsidiaries engaged in some or all of these businesses or (3) investments which do not involve a subsidiary (i.e. less than 10% voting interest) to a different subsidiary. And, to the extent approval is required, Exelon requests, on behalf of the subsidiaries, authority to acquire the assets of nonutility businesses, subsidiaries or other then existing investment interests. Alternatively, transfers of such securities or assets may be effected by share exchanges, share distributions or dividends followed by contribution of such securities or assets to the receiving entity. In the future, following its direct or indirect acquisition of the securities of new nonutility subsidiaries, Exelon seeks authority to transfer the securities or the assets of these new nonutility subsidiaries to other subsidiaries as described in this section. Exelon also seeks authority to liquidate or merge nonutility subsidiaries.

[2] If the Intermediate Subsidiary is merely a conduit, the aggregate investment will not ''double count'' as both the conduit investment and the investment in the operating company authorized as an EWG, FUCO, Rule 58 subsidiary or other approved investment.

These internal transactions would be undertaken to eliminate corporate complexities, to combine related business segments for staffing and management purposes, to eliminate administrative costs, to achieve tax savings, or for other ordinary and necessary business purposes.

Energy-Related Subsidiaries Outside the United States

Exelon requests authority to engage through subsidiaries, direct or indirect, in energy-related activities outside the United States like those activities exempted in the United States under rule 58 of the Act. Exelon requests authority to conduct energy management services [3] and consulting services [4] anywhere outside the United States and to conduct energy marketing activities [5] in Canada and Mexico.

[3] Energy management services includes the marketing, sale, installation, operation and maintenance of various products and services related to energy management and demand-side management, including energy and efficiency audits; meter data management, facility design and process control and enhancements; construction, installation, testing, sales and maintenance of (and training client personnel to operate) energy conservation equipment; design, implementation, monitoring and evaluation of energy conservation programs; development and review of architectural, structural and engineering drawings for energy efficiencies, design and specification of energy consuming equipment and general advice on programs; the design, construction, installation, testing, sales, operation and maintenance of new and retrofit heating, ventilating, and air conditioning, electrical and power systems, alarm, security, access control and warning systems, motors, pumps, lighting, water, water-purification and plumbing systems, building automation and temperature controls, installation and maintenance of refrigeration systems, building infrastructure wiring supporting voice, video, data and controls networks, environmental monitoring and control, ventilation system calibration and maintenance, piping and fire protection systems, and design, sale, engineering, installation, operation and maintenance of emergency or distributed power generation systems, and related structures, in connection with energy-related needs; and the provision of services and products designed to prevent, control, or mitigate adverse effects of power disturbances on a customer's electrical systems.

[4] Consulting services, for energy- and gas-related matters for associate and nonassociate companies as well as for individuals, includes technical and consulting services involving technology assessments, power factor correction and harmonics mitigation analysis, meter reading and repair, rate schedule design and analysis, environmental services, engineering services, billing services (including consolidation or centralized billing, bill disaggregation tools and bill inserts), risk management services, communications systems, information systems/data processing, system planning, strategic planning, finance, general management consulting including training activities, feasibility studies, and other similar related services.

[5] Energy marketing means the brokering and marketing of electricity, natural gas and other energy commodities, as well as providing incidental, related services, such as fuel management, storage and procurement.

Reporting

Ventures (or Enterprises, as appropriate) proposes to file a single consolidated quarterly report under rule 24 of all investments in subsidiaries, commencing with the quarterly report for the first full calendar quarter which ends at least 45 days following the date of the order for this Application. It is proposed that the combined report be in lieu of any separate notification on Form U–6B–2 that would otherwise be required with respect to exempt securities issuances.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 02–5547 Filed 3–7–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act; Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of March 11, 2002.

Closed meetings will be held on Tuesday, March 12, 2002 and Thursday, March 14, 2002 at 10 a.m.

Commissioner Glassman, as duty officer, determined that no earlier notice thereof was possible.

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), (6), (7), (8), (9)(B), and (10) and 17 CFR 200.402(a)(3), (5), (6), (7), (9), 9(ii) and (10), permit consideration of the scheduled matters at closed meetings.

The subject matter of the closed meeting scheduled for Tuesday, March 12, 2002, will be:

Inspection point.
Institution and settlement of injunctive actions;
Institution and settlement of administrative proceedings of an enforcement nature; and
Formal orders of investigation.

The subject matter of the closed meeting scheduled for Thursday, March 14, 2002, will be:

Inspection point.
Institution and settlement of injunctive actions;
Institution and settlement of administrative proceedings of an enforcement nature; and
Formal orders of investigation.

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: March 6, 2002.

Jonathan G. Katz,

Secretary.

[FR Doc. 02–5809 Filed 3–6–02; 3:53 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45490; File No. SR–CBOE–2001–70]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to the Dissemination of Options Quotations With Size

March 1, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 28, 2001, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. On January 14, February 27, and March 1, 2002, respectively, the Exchange submitted Amendment Nos. 1,[3] 2,[4] and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Letter from Edward J. Joyce, CBOE, to Deborah Flynn, SEC, dated January 11, 2002 (''Amendment No. 1''). In Amendment No. 1, the exchange submitted additional information clarifying the intended operation of the proposal and eliminated a provision regarding the maximum number of contracts eligible for automatic execution.

[4] *See* Letter from Steve Youhn, CBOE, to Deborah Flynn, SEC, dated February 13, 2002 (''Amendment No. 2''). In Amendment No. 2, the Exchange, among other things, withdrew from the filing that section pertaining to the execution of Exchange's Retail Automatic Execution System (''RAES'') orders against manual quotes. The Exchange filed a new proposed rule change to address the execution of RAES orders against manual quotes (SR–CBOE–2002–07).

3 [5] to the proposal. 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 Exchange proposes to amend CBOE Rules 6.8 and 8.51 to accommodate the introduction of an options quotation with size (''quotes with size'' or ''QWS'') system with an automatic decrementation feature (''AutoDec''). Below is the text of the proposed rule change. Additions are italicized and deletions are bracketed.

* * * * *

CBOE Rule 6.8: RAES Operations

(b) Definitions

(i)–(iii) no change

(iv) The term ''options quotations with size'' refers to any series of options for which the Exchange disseminates a quotation size that is able to be decremented to reflect previous executions.

(c)(v) The appropriate FPC shall determine the size of orders eligible for entry into RAES. *Except for classes in which the Exchange disseminates options quotations with size, the eligible order size may not be for more than one hundred contracts. For classes in which the Exchange disseminates options quotations with size, the eligible order size may be set as the disseminated size.* [Eligible orders must be for one hundred or fewer contracts on series placed on the system.] *Further,* [T]*t*he appropriate FPC, in its discretion, may determine to restrict the size and kind of eligible orders, including but not limited to, lowering contract limits on particular option issues. Announcements concerning the size and kind of eligible orders will be made promptly as these are adjusted. The appropriate FPC will have discretion to place on the system such series in classes of options subject to its jurisdiction as it determines is appropriate.

Interpretations and Policies

.09

(a)(1) If the Exchange disseminates options quotations with size in a particular series, the number of contracts that may receive automatic execution at the disseminated price may not exceed the disseminated size in that series. Automatic executions will decrement the disseminated size by the amount of the automatic execution. When the number of contracts receiving automatic execution at a particular price exhausts the accompanying disseminated size for that series, subsequent orders that are otherwise eligible for RAES will not execute automatically for a period not to exceed 30-seconds (''re-route period'') and instead shall be automatically rerouted to PAR, BART or Live Ammo. When an incoming order is within the eligible order size yet is for a greater number of contracts than the disseminated size, that order will receive a partial automatic execution in an amount up to the disseminated size. The balance of the order and any subsequent orders otherwise eligible for RAES that are entered during the reroute period will route automatically to PAR, BART, or Live Ammo.

(2) Orders Rerouted from Live Ammo to RAES. In the event any orders previously routed to Live Ammo as described in subparagraph (a)(1) above are rerouted to RAES (''rerouted orders'') pursuant to Rule 7.4(g), all rerouted orders will receive automatic execution at the disseminated price even if the cumulative size of these rerouted orders exceeds the disseminated size. In addition, any orders rerouted to RAES pursuant to Rule 7.4(g) will maintain priority over subsequently-received RAES orders.

(b) If the Exchange disseminates options quotations with size in a particular class, the entity responsible for determining a formula for generating automatically updated market quotations for that class pursuant to Rule 8.7(b) and (c) shall also have responsibility for determining the size of the undecremented disseminated quote for that same class. For those classes in which a DPM, LMM, or SMM, or a market-maker in good standing has been appointed the responsibility to determine the size of the disseminated quote, the DPM, LMM, SMM or appointed market-maker may, but is not required to, consult with and/or agree with members of the trading crowd in determining the size of the disseminated quote. The members of the trading crowd are not required to provide input in these decisions, and in all instances, the DPM, LMM, SMM, or appointed market-maker has the responsibility to make the final determination as to the size of the undecremented disseminated quote. For those classes in which a DPM, LMM, SMM, or appointed market-maker does not have the responsibility set forth in Rule 8.7(b), the trading crowd shall determine the size of the undecremented disseminated quote.

Rule 8.51. Firm Disseminated Market Quotes

(a)–(b) no change

(c) Firm Quote Size.

(1) no change

(2) The firm quote requirement size for non-broker-dealer orders shall be the size that the Exchange [periodically publishes along with the quotes] disseminate*s*[d] to vendors. In the event the Exchange has not [published] *disseminated* a size along with its quotes for a particular series, then the firm quote requirement size for non-broker-dealer orders shall be that size published by the Exchange in a different manner (e.g., on its website). The Exchange will also separately publish the firm quote requirement size for broker-dealer orders. In the case of broker-dealer orders, if the size for a particular series disseminated along with the quotes is less than the size published for the broker-dealer orders, then the firm quote requirement for broker-dealer orders shall be the size published along with the quotes.

(a) When the disseminated quote represents a customer limit order in EBook, the firm quote requirement for non-broker-dealer orders shall be the greater of the size of the customer limit order or a size predetermined by the appropriate FPC. When the disseminated quote represents both a customer limit order in EBook and the trading crowd's quote, the firm quote requirement for non-broker-dealer orders shall be the aggregate size of the customer limit order and the size that the Exchange periodically publishes *or disseminates* for that particular series.

(b) For those series in which the Exchange disseminates options quotations with size (as defined in Rule 6.8(b)(iv), it may authorize the use of a replenishment timer. The replenishment timer, which shall be configurable by class by the DPM, is a feature that automatically increases the size of the disseminated quote for a particular series to the original Autoquote (Exchange or proprietary) size parameter after a pre-established time-period during which no automatic executions at the disseminated quote have occurred.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning

[5] *See* Letter from Steve Youhn, CBOE, to Deborah Flynn, SEC, dated February 28, 2002 (''Amendment No. 3''). In Amendment No. 3, the Exchange amended the proposed rule text of Proposed CBOE Rule 6.8.09(a)(1) to clarify the proposed operation of the 30-second re-route period. In addition, Amendment No. 3 eliminates references to ''real'' and ''actual size'' in the purpose section of the proposal.

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. The CBOE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Introduction

Exchange Rule 8.51, Firm Disseminated Market Quotes, codifies CBOE's firm quote obligations. Section (c) of that rule, Firm Quote Size, provides that:

> The firm quote requirement size for non-broker-dealer orders shall be the size that the Exchange periodically publishes along with the quotes disseminated to vendors. In the event the Exchange has not published a size along with its quotes for a particular series, then the firm quote requirement size for non-broker-dealer orders shall be that size published by the Exchange in a different manner (e.g., on its website).

Currently, the Exchange's quotation systems are unable to decrement the disseminated size to reflect previous executions, except in the case of orders in the book. For this reason, the Exchange has complied with the Commission's Quote Rule [6] by publishing on its website the firm quote size for each series and along with the bid-ask quotes disseminated to quotation vendors.

Even though the Exchange is ''firm'' for the size published on its website, this size often is not representative of the depth of liquidity a trading crowd is willing to provide in a particular series. Most trading crowds are willing to provide deeper markets, however, the systems limitations described above make such an endeavor impractical. The publication of a static size figure, which also can cause artificial liquidity, puts the Exchange at a competitive disadvantage in competing for orders of a size greater than the Exchange's published size.

To address this limitation, the Exchange proposes to implement an options quotation with size system. When operational, the QWS system would have an AutoDec feature that enables the Exchange to disseminate ''dynamic'' size, *i.e.,* a size that reflects previous executions and a size for which the Exchange is firm pursuant to Exchange Rule 8.51. The ability to decrement size would enable the Exchange to disseminate a real size that is a much more accurate barometer of the liquidity available in a particular series. The Exchange believes that this systems improvement would significantly benefit investors in their order routing decisions by providing them with a better indication of the depth of liquidity available in a series. Accordingly, the Exchange believes that the adoption of a QWS system would enable it to compete more effectively for larger-sized orders. Finally, as discussed in greater detail below, the Exchange notes that this proposal is substantially similar to how the International Securities Exchange's (''ISE'') quote size provisions operate.

Description

For those series in which the exchange disseminates options quotations with size, the QWS system would automatically decrement all executions for each individual series calculated by Autoquote [7] that execute automatically. For example, if the Exchange disseminates a size of 100 contracts, the trading crowd would be firm for 100 non-broker-dealer contracts executed automatically or via open outcry at the disseminated price, until that size was exhausted or until the quote was refreshed. The Exchange notes that in order to preserve the use of RAES as an automatic execution system for smaller retail orders, the appropriate Floor Procedure Committee (''FPC'') would retain its authority to establish the RAES size for a particular series at a number less than the disseminated size.[8] For classes in which the Exchange does not disseminate options quotations with size, current CBOE Rule 6.8(c)(v) remains in effect, as discussed in the section ''RAES Operations.'' [9]

While the disseminated size would reflect the number of contracts that may be executed automatically or via open outcry at a particular price, trades executed in open outcry would not cause the disseminated size to decrement automatically. In this respect, the Exchange notes that in some instances it would be firm for executions that in the aggregate sum up to more than its disseminated size. The number of contracts in a particular series that may receive automatic execution at the disseminated price, however, may not exceed the disseminated size.[10] Consistent with the current provisions of CBOE Rule 6.8, orders eligible for electronic execution would not be executed automatically at prices inferior to the national best bid or offer as identified by CBOE.

There are several reasons why trades executed in open outcry would not decrement displayed size. First, decrementation from the floor requires manual input, which can be time consuming and resource intensive, especially in very active markets. In contrast, RAES would be programmed to automatically decrement size upon executions. Second, the need for decrementation to prevent unnecessary liquidity exposure is more urgent in an auto-ex situation. When an order hits RAES, there is virtually no time to adjust quotes before another order can arrive through RAES. In contrast, all market makers and the Designated Primary Market Maker (''DPM'') are immediately aware of an open outcry execution and are thus able to adjust their quotes accordingly. Even if a new order arrives on the floor immediately after an execution, market makers have the ability to adjust their quotes because a new market is created by the previous execution.[11] Finally, the lack of decrementation after an open outcry execution works to the advantage of public customers. The lack of decrementation means that the displayed size remains higher than it would have been if the open outcry trade resulted in decrementation. Thus, public customers would have a larger firm quote size to execute against.

If an incoming electronic order exceeds the disseminated size, that order would receive a partial automatic execution for up to the disseminated size at the disseminated price. The balance of the order would be automatically rerouted to the Exchange's Public Automated Routing System (''PAR''), the Exchange's Booth Automated Routing Terminal (''BART''),

[6] 17 CFR 240.11Ac1–1.

[7] For purposes of this rule filing, Autoquote shall refer to any automated quotation updating system, whether Exchange-owned or proprietary.

[8] The Exchange originally proposed to allow the appropriate FPC to retain its current authority to limit the number of contracts eligible for automatic execution to a number less than the disseminated size. In Amendment No. 1, the Exchange proposed to remove this discretion and clarified that the RAES size would equal the disseminated size. In Amendment No. 2, the Exchange once again proposed to allow the appropriate FPC to retain its authority to limit the RAES size to a number less than the disseminated size.

[9] CBOE Rule 6.8(c)(v) provides that the appropriate FPC shall determine the size of orders eligible for entry into RAES. The eligible order size for non-QWS series must be 100 contracts or less.

[10] *See* Proposed CBOE Rule 6.8.09(a).

[11] In such a situation, the new quote would be input into CBOE quotation systems for dissemination to the public.

or Live Ammo [12] and thus may receive a dual-price execution.[13] This treatment is consistent with Exchange Rule 8.51(d), the Thirty Seconds Rule, which requires the crowd within 30 seconds of receiving an order for a size greater than the quotation size to execute the entire order or to execute that portion of the order equal to the disseminated size and revise its price quote. The Exchange notes that at some future point it may develop the systems capability to automatically execute these orders at dual prices.

The 30-Second Reroute Period

When the disseminated size is decremented to zero by automatic executions, for a period not to exceed 30-seconds (''reroute period''), all subsequent orders in that series that are otherwise eligible for automatic execution would be automatically rerouted either to PAR, BART or Live Ammo.[14] Upon expiration of the reroute period timer, new electronic orders would again be eligible for automatic execution up to the refreshed disseminated size.[15] See Proposed CBOE Rule 6.8.09(a)(1). The duration of the reroute period would be configurable by the DPM on a class basis and may not exceed 30-seconds. The DPM may manually override the reroute timer by submitting a new quote prior to the expiration of the reroute period. For example, if the reroute period timer is established at 15-seconds, the DPM may manually send a new quote at any time prior to 15-seconds. When this is done, orders may once again be eligible for automatic execution at the refreshed price.[16]

The CBOE represents that the purpose of the reroute period is to provide the DPM with the opportunity to refresh the quote when the disseminated size has been exhausted, in conformity with the Quote Rule. Amendment No. 1 clarifies that orders received during the reroute period would not be held for the duration of the reroute period. Rather, as incoming electronic orders are received during the reroute period they would be routed upon receipt to PAR, BART or Live Ammo. Upon expiration of the reroute period, subsequent incoming orders that are eligible for automatic execution would once again be eligible to receive automatic execution at the refreshed price.[17]

The Exchange believes that DPMs would have strong incentives to establish reroute periods that last considerably less than thirty seconds for several reasons. First and foremost is for competitive reasons. During the reroute period, the Exchange would disseminate a size of ''1.'' Customers and firms that see the Exchange is firm for only one contract in this particular series may look elsewhere to send their options orders. This provides a strong incentive to DPMs to update their quotations as quickly as possible. Second, the Exchange notes that the appropriate FPC could require DPMs to establish the length of the reroute period to a maximum length of time that is less than thirty seconds. For example, the FPC could require that DPMs establish a reroute period that does not exceed fifteen seconds. In this instance, DPMs would have the ability to establish a reroute period that is less than fifteen seconds.[18]

The Exchange notes that the use of Live Ammo as a routing destination provides two main benefits. First, it provides an alternative to routing to PAR. In some instances, several orders may route to PAR terminals at approximately the same time. If traffic on PAR is heavy, the DPM would have the ability to route orders to Live Ammo. The CBOE believes that this should help to ensure that orders are addressed expeditiously. Second, the Live Ammo terminals feature a ''Live Ammo to RAES'' switch that enables the DPM to automatically reroute orders back for automatic execution. If the DPM uses this function, all orders on Live Ammo would then immediately reroute for automatic execution, even if the cumulative size of these orders exceeds the disseminated size.[19]

Amendment No. 2 would detail in the proposed rule text that function of Live Ammo that allows a DPM to automatically reroute orders from Live Ammo to RAES for automatic execution, even if the cumulative size of these rerouted orders exceeds the disseminated size. In addition, CBOE has amended the rule text to provide that orders rerouted from Live Ammo to RAES would retain priority over subsequently received RAES orders. CBOE notes that this latter point was addressed by the Exchange in its Amendment No. 3 to SR-CBOE–98–27, which the Commission approved on February 2, 2000.[20] Finally, for a more detailed description of Live Ammo in general, and the function known as ''Live Ammo to RAES'' in particular, the Exchange identifies CBOE Rule 7.4(g) and the aforementioned rule filing SR-CBOE–98–27 and the amendments thereto.[21]

RAES Operation

As indicated above, the QWS system would enable the Exchange to display larger disseminated sizes, which benefits all customers. To facilitate the introduction of QWS, the Exchange would make a corresponding change to CBOE Rule 6.8(c)(v) regarding the maximum eligible order size for RAES orders. Currently, the maximum allowable RAES size is 100 contracts. The Exchange proposes to retain this upper limit, however, it would only apply to those series in which the Exchange does not disseminate options quotations with size (as defined in Proposed CBOE Rule 6.8(b)(iv)). For those series in which the Exchange disseminates options quotations with size, the eligible order size would be established by the appropriate FPC. To limit the maximum eligible order size to 100 contracts would destroy the purpose for which the QWS was developed: To have the ability to provide large quotation sizes against which electronic orders may automatically execute.

Determination of Disseminated Size

The entity that has responsibility under Exchange Rules to determine a formula for generating automatically updated market quotations would also be responsible for determining the size of the undecremented disseminated quote. In most instances, this entity would either be the DPM, Lead Market-Maker (''LMM''), or Supplemental Market-Maker (''SMM'') or Appointed Market-Maker (''Appointed Market-Maker'') for the class.[22] While DPMs,

[12] The Live Ammo electronic screen displays market orders or limit orders that improve the market. *See* CBOE Rule 7.4(g).

[13] The Exchange notes that orders would only be routed to BART if a firm so chooses.

[14] The appropriate FPC shall determine by class the location to which to route those RAES orders that are submitted during the reroute period. The Exchange notes that orders would only be routed to BART if a firm so chooses. Absent specific instructions, orders would reroute to either PAR or Live Ammo.

[15] During the reroute period, the Exchange would disseminate a size of ''1'' (with the same price) until the quote has been refreshed by the DPM.

[16] *See* Amendment No. 1, *supra* note , at p. 2.

[17] *See* Amendment No. 1, *supra* note , at pp. 1–2 and Amendment No. 2, *supra* note , at p. 1.

[18] *Id.* The Exchange notes that the DPM has the responsibility for establishing the duration of the reroute period for his classes. The appropriate FPC may however establish a ceiling on that duration.

[19] *Id.* at p. 2.

[20] *See* Securities Exchange Act Release No. 42379, 65 FR 6665 (February 10, 2000).

[21] *See* Amendment No. 2, *supra* note

[22] For those classes in which a DPM, LMM, SMM, or Appointed Market-Maker does not have responsibility to determine a formula for generating automatically updated market quotations, the obligation to update quotes is imposed upon the trading crowd as a whole. *See* File No. SR–CBOE–2001–64, a proposal pending before the

Continued

LMMs, SMMs, and Appointed Market-Makers have the responsibility to determine the size of the undecremented disseminated quote, the proposed amendment to Interpretation and Policy .09(c) of CBOE Rule 6.8 expressly provides that the DPM, LMM, SMM, or Appointed Market-Maker may, but is not required to, consult with and/or agree with other market-makers in the trading crowd in determining the size of the undecremented disseminated quote.[23] Conversely, the amendment provides that to the extent a DPM, LMM, SMM, or Appointed Market-Maker determines to consult with and/or agree with the market-makers in the trading crowd in determining the size of the undecremented disseminated quote, members of the trading crowd are not required to provide input to the DPM, LMM, SMM, or Appointed Market-Maker about these decisions. The Exchange believes that this type of consultation between trading crowd participants is entirely appropriate because the trading crowd is defined as the ''responsible broker or dealer'' for purposes of CBOE Rule 8.51. Because they collectively must honor the disseminated firm quote size, it is appropriate for them to discuss collectively the size of that guarantee.

The Replenishment Timer

Because of the preponderance of series for which each DPM is responsible for maintaining quotes, the Exchange intends to introduce a ''replenishment timer'' to guard against the continued dissemination of ''stale'' size values. The replenishment time, which is configurable by class by the DPM, is a feature that automatically increases the disseminated size for a particular series back to the original Autoquote volume parameter after a set time-period when no further decrementation has occurred.[24] The Replenishment Timer is incorporated in proposed CBOE Rule 8.51(c)(2)(b).[25]

Customer Benefits

For many reasons, CBOE believes that the proposed QWS system would act to increase liquidity and depth in its market and enhance its competitiveness with other options exchanges. QWS would reflect better the true state of liquidity being offered at the time by the crowd. It would enable market makers and DPMs to quote a larger size market because they would not be subject to repetitive executions at an aggregate size greater than the size of their firm quote. Currently, if a crowd is firm for 50 contracts, repetitive RAES executions can result in aggregate executions that total far greater than 50 contracts before the DPM has an opportunity to update quotations. This artificial liquidity exposure limits market makers and DPM willingness to establish a large firm quote size for customers. QWS should encourage DPMs and market makers to offer greater size guarantees and tighter markets because their liquidity exposure would be limited to the total size displayed. In addition, CBOE would be able to compete better against markets that display quotes with size, such as the ISE. Additionally, the QWS would act in a neutral manner to all order entry firms. The size displayed would be available for all firms. While a market participant may be able to avail itself of a displayed size and absorb all of the size before another market participant, every CBOE member has an equal opportunity to attempt to avail itself of a displayed size before it is decremented.

Upon approval of this rule filing, the Exchange would gradually rollout the QWS functionality by series. It is the Exchange's hope that QWS would be active in its most active series. For those series in which the Exchange does not disseminate options quotations with size, the Exchange would continue to comply with the Commission's Quote Rule as it currently does (i.e., published by the Exchange on its website, see CBOE Rule 8.51(c)(2). For those series in which the Exchange does not disseminate options quotations with size, RAES would continue to operate as it does today (i.e., with a 100-contract limit, which the appropriate FPC can determine to lower for particular issues). CBOE Rule 6.8(v), as amended, clearly makes this distinction.[26]

Similarity to ISE and Nasdaq

Finally, the Exchange notes that this proposal is substantially similar to how the ISE quote size provisions operate. ISE grants automatic executions up to its disseminated size. Accordingly, if ISE disseminates 100 contracts in a particular series, any customer can receive an electronic execution for up to 100 contracts. CBOE's QWS system would operate in an identical manner. Therefore, if CBOE and ISE each disseminate a size of 100 contracts in the same series, customers eligible to submit orders through CBOE Rule 6.8 may be entitled to receive an automatic execution for up to 100 contracts through CBOE's QWS system just as they could receive an automatic execution for 100 contracts through ISE.

Similarly, the NASD adopted a rule that allowed market makers to quote their actual size and reduced the minimum quotation size to one unit of trading.[27] The move to actual size, combined with the decrementation of a Nasdaq market maker's quote size after an automatic execution, enabled market makers ''more flexibility to manage risk'' and allowed them to reflect size in their quotations based on business and market factors instead of regulatory imposed minimums. The Exchange believes that its QWS proposal accomplishes a similar result. However, with QWS, CBOE would still guarantee a minimum level of liquidity upon the establishment of every new quote, but that minimum should reflect more accurately the amount of liquidity offered at the price.

2. Statutory Basis

This proposal would enable the Exchange to disseminate quote sizes that more accurately reflect the number of contracts for which the DPM and crowd stand ready to buy or sell at the disseminated size. The dissemination of quotes with size with AutoDec should aid investors in their routing decisions by providing them with more certainty regarding the depth of liquidity behind a price quote. For these reasons, the Exchange believes the proposed rule change is consistent with the Act and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of section 6(b) of the Act.[28] Specifically, the Exchange believes the proposed rule change is consistent with the section 6(b)(5)[29] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative

Commission, for a description of the Autoquote-setting mechanism.

[23] In those classes in which a DPM, LMM, SMM, or Appointed Market-Maker does not have responsibility to determine the Autoquote variables, the trading crowd as a whole shall determine the size of the undecremented disseminated quote.

[24] For example, assume the replenishment timer is set for 240-seconds in a class with a disseminated size of 200 and that this particular series has been decremented to 40 contracts due to executions. In order to prevent the continued dissemination of 40-contracts for an extended period, the replenishment timer would, after 240-seconds from the last execution, increase the disseminated size back to 200 contracts. The firm quote size would then be 200 contracts.

[25] *See* Amendment No. 1, *supra* note, at p. 3.

[26] *See* Amendment No. 2, *supra* note, at pp. 1–2.

[27] Securities Exchange Act Release No. 40211 (July 15, 1998), 63 FR 39322 (July 22, 1998).

[28] 15 U.S.C. 78(f)(b).

[29] 15 U.S.C. 78(f)(b)(5).

acts and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that disseminating options quotations with size would enhance competition. The proposed change does provide for limited joint participation among competing CBOE market-makers in a trading crowd in certain circumstances (*e.g.,* to determine the size of the disseminated quote). The Exchange believes this limited joint participation is procompetitive, because it is necessary to provide for a fair and orderly market in the thousands of option series traded on the Exchange. Accordingly, the Exchange believes the limited joint activity described in this rule proposal is justified by and furthers the objectives of section 11A(a)(1)(C)(ii) of the Act by assuring fair competition among markets. The proposed rule also is consistent with and furthers the objectives of section 6(b)(5) of the Act in that it is designed to remove impediments to a free and open market, and to protect investors and the public interest.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes 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, as amended, 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 Room. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–2001–70 and should be submitted by March 25, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[30]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 02–5549 Filed 3–7–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45493; File No. SR–NASD–2002–27]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and by the National Association of Securities Dealers, Inc. Amending NASD Rule 3070 Concerning the Reporting of Criminal Offenses by Members and Persons Associated With a Member to the NASD

March 1, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 21, 2002, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') through its wholly owned subsidiary NASD Regulation, Inc. (''NASD Regulation'') 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 by NASD Regulation. 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

NASD Regulation proposes to amend NASD Conduct Rule 3070 to limit reporting under this category to any felony, certain types of misdemeanors, and substantially equivalent activity in a domestic or foreign court. According to NASD Regulation, this proposed rule change would conform NASD Rule 3070(a)(5) to a proposed rule change by the New York Stock Exchange (''NYSE'') to amend NYSE Rule 351(a)(5).[3]

The text of the proposed rule change appears below. New text is in italics; deletions are in brackets.

Rule 3070. Reporting Requirements

(a) Each member shall promptly report to the Association whenever such member or person associated with the member:

(1) through (4) No change.

(5) is indicted, or convicted of, or pleads guilty to, or pleads no contest to, [any criminal offense (other than traffic violations)] *any felony; or any misdemeanor that involves the purchase or sale of any security, the taking of a false oath, the making of a false report, bribery, perjury, burglary, larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, or misappropriation of funds, or securities, or substantially equivalent activity in a domestic or foreign court.*

(6) through (10) No change.

(b) through (e) No change.[4]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD Regulation 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. NASD Regulation has prepared summaries, set forth in sections A, B,

[30] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 45404 (February 6, 2002), 67 FR 6565 (February 12, 2002).

[4] The initial text of the proposed rule change stated ''(a) through (e) No Change.'' In fact, NASD Regulation intended to state ''(b) through (e) No Change.'' The Commission made this correction to the proposed rule text with the agreement of NASD Regulation. Telephone conversation between Shirley H. Weiss, Associate General Counsel, NASD Regulation, and Christopher Solgan, Law Clerk, Division, Commission, on February 28, 2002.

and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

NASD Regulation proposes to amend NASD Rule 3070(a)(5) to limit reporting under this category to any felony, certain types of misdemeanors, and substantially equivalent activity in a domestic or foreign court. According to NASD Regulation, this proposed rule change would conform NASD Rule 3070(a)(5) to a proposed amendment by the NYSE to NYSE Rule 351(a)(5).

NASD Rule 3070, adopted in 1995,[5] requires members to promptly report to the NASD the occurrence of 10 specified events (including criminal indictments and convictions, securities law violations, securities or commodities-related litigation or arbitration resulting in an award or judgment exceeding $15,000, customer claims settled for an amount exceeding $15,000, association with a statutorily disqualified person, and certain disciplinary proceedings) and to file quarterly statistical information concerning customer complaints. According to NASD Regulation, NASD Rule 3070 assists the NASD in the timely identification and investigation of problem members, branch offices, and registered representatives that may pose heightened risks to public investors.

NASD Regulation represents that the reporting requirements under NASD Rule 3070 significantly parallel comparable provisions of NYSE Rule 351 as well as the disclosure requirements of the Uniform Application for Securities Industry Registration or Transfer (''Form U–4''). In this regard, any member subject to substantially similar reporting requirements of another self-regulatory organization of which it is a member is exempt from the provisions of NASD Rule 3070.

With respect to criminal offenses, NASD Regulation states that both NASD Rule 3070(a)(5) and NSYE Rule 351(a)(5) currently require members to promptly report to the NASD and NYSE, respectively, when such member or person associated with the member is indicted, convicted of, pleads guilty to, or pleads no contest to any criminal offense other than traffic violations. NASD Regulation believes that this requirement is overly broad, in that it requires members and persons associated with members to report information that is not material to NASD Regulation's regulatory program. NASD Regulation states that the proposed rule change would continue to require members and associated persons to report ''any felony,'' consistent with Question 23A(1) of the Form U–4,[6] but it would limit the scope of reportable misdemeanor criminal events to the type of business-related offenses that are required to be reported in response to Question 23B(1) of the Form U–4.[7] NASD Regulation also believes that the proposed rule change would be consistent with a proposed rule change submitted by the NYSE to amend NYSE Rule 351(a)(5), which would limit the reporting of criminal offenses to: ''any felony or any misdemeanor that involves the purchase or sale of any security, the taking of a false oath, the making of a false report, bribery, perjury, burglary, larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion or misappropriation of funds or securities, or substantially equivalent activity in a domestic or foreign court.'' [8]

(2) Statutory Basis

NASD Regulation believes that the proposed rule change is consistent with the provisions of sections 15A(b)(6) [9] of the Act, which requires, among other things, that the Association's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. NASD Regulation believes that the proposed rule change is designed to accomplish these ends by conforming NASD Rule 3070(a)(5) to a proposed rule change to NYSE Rule 351(a)(5) and making NASD Rule 3070(a)(5) more consistent with the reporting requirements of Form U–4.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD Regulation does not believe that the proposed rule change will result in 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

NASD Regulation neither solicited nor received written comments.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the NASD 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 the Commission's Public Reference Room. Copies of such filings will also be available for inspection and copying at the principal office of the Association. All submissions should refer to File No. SR–NASD–2002–27 and should be submitted by March 29, 2002.

[5] *See* Securities Exchange Act Release No. 36211 (September 8, 1995), 60 FR 48182 (September 18, 1995).

[6] Question 23A(1) reads as follows:

Have you ever:

(a) been convicted of or pled guilty or nolo contendere (''no contest'') in a domestic, foreign, or military court to any felony?

(b) been charged with any felony?

[7] Question 23B(1) reads as follows:

Have you ever:

(a) been convicted of or pled guilty or nolo contendere (''no contest'') in a domestic or foreign court to a misdemeanor involving: investments or an investment-related business, fraud, false statements or omissions, wrongful taking of property, or bribery, forgery, counterfeiting or extortion, or a conspiracy to commit any of these offenses?

(b) been charged with a misdemeanor specified in 23(B)(1)(a)?

[8] *See* Securities Exchange Act Release No. 45404 (February 6, 2002), 67 FR 6565 (February 12, 2002).

[9] 15 U.S.C. 78*o*–3(b)(5).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 02–5548 Filed 3–7–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45496; File No. SR–NASD–2002–31]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Extend a Pilot That Permits SuperSOES To Trade Through the Quotations of UTP Exchanges That Do Not Participate in the Nasdaq National Market Execution Service

March 1, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 1, 2002, the National Association of Securities Dealers, Inc. (''NASD''), acting through its subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The NASD filed the proposal pursuant to section 19(b)(3)(A)[1] of the Act, and Rule 19b–4(f)(6) thereunder,[2] which renders the proposal effective on filing with the Commission.[3] 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

There is no new language. The pilot rule language is as follows:

4710. Participant Obligations in NNMS

(a)–(e) No Change.

(f) UTP Exchanges.

(i) A UTP Exchange may voluntarily participate in the NNMS System according to the approved rules for the NNMS System if it executes a Nasdaq Workstation Subscriber Agreement, as amended, for UTP Exchanges.

(ii) If a UTP Exchange does not participate in the NNMS System, the UTP Exchange's quote will not be accessed through the NNMS, and the NNMS will not include the UTP Exchange's quotation for order processing and execution purposes.

(iii) For purposes of this rule the term ''UTP Exchange'' shall mean any registered national securities exchange that has unlisted trading privileges in Nasdaq-listed securities pursuant to the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination Of Quotation and Transaction Information For Exchange-Listed Nasdaq/National Market System Securities Traded On Exchanges On An Unlisted Trading Privilege Basis (''Nasdaq UTP Plan'').

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD 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. Nasdaq has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq is filing to extend until May 31, 2002, a pilot pertaining to a change to NASD Rule 4710 which specifies that if a UTP Exchange elects not to participate in SuperSOES, SuperSOES will not include the UTP Exchange's quotation for order processing and execution purposes.[4]

The pilot is consistent with Nasdaq's long-standing goal to improve the quality of its market. Establishing SuperSOES as the primary platform for trading Nasdaq-listed securities is a critical step in that respect. Nasdaq's successful implementation of SuperSOES has significantly improved The Nasdaq Stock Market. In particular, our initial assessment based on preliminary data shows that SuperSOES orders are processed quickly, enjoy high fill rates, and execute at the current market price. Moreover, neither SuperSOES nor the pilot has had a significant negative impact on spreads, depth or volatility. The ease with which the market reopened on September 17, 2001, appears to be directly connected to the efficiency of SuperSOES. In addition, the Chicago Stock Exchange (''CHX'') and the Boston Stock Exchange, which currently represent the vast majority of the trading volume in Nasdaq-listed stocks by UTP Exchanges, have adopted SuperSOES.[5]

While SuperSOES is improving the operation of The Nasdaq Stock Market, we have identified an area of concern that we believe must be addressed immediately to ensure the smooth functioning of the Nasdaq system.[6] Specifically, if a UTP Exchange chooses to access Nasdaq but does not accept automatic executions through SuperSOES, there is a potential for queuing in the system that could disrupt and slow the market, when that exchange is alone at the best quote in The Nasdaq Stock Market. To improve the trading environment for all of Nasdaq's valued market participants, and to avoid potential significant market disruptions, we are proposing to modify SuperSOES to remove non-automatic execution UTP Exchanges from the SuperSOES execution and order processing function.

Background

On January 14, 2000, the Commission approved a rule change to establish the NNMS and to modify Nasdaq's SelectNet Service with respect to Nasdaq National Market Securities (''NMS'').[7] On July 30, 2001, NNMS and the changes to SelectNet were implemented for all NMS issues. As approved and implemented, Nasdaq market participants can use two systems to trade NMS issues: A reconfigured Small Order Execution System (''SOES'')—the NNMS—and a reconfigured SelectNet system. SuperSOES is an automated execution system that allows the entry of orders for up to 999,999 shares.[8] By removing the size and capacity restrictions from

[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(3)(A).

[2] 17 CFR 240.19b–4(f)(6).

[3] Nasdaq asked the Commission to waive the 30-day operative delay. *See* Rule 19b–4(f)(6)(iii). 17 CFR 240.19b–4(f)(6)(iii).

[4] The temporary approval of the pilot expired February 28, 2002. *See* Exchange Act Release No. 45047 (November 8, 2001), 66 FR 57496 (November 15, 2001).

[5] In July 2001, the Commission approved a rule change to permit UTP Exchanges to participate on a voluntary basis in SuperSOES. *See* Exchange Act Release No. 44526 (July 6, 2001), 66 FR 36814 (July 13, 2001).

[6] In SR–NASD–2001–69, filed October 4, 2001, Nasdaq identified and attempted to address the above concern, as well as a second concern. Specifically, permitting UTP Exchanges to participate in Nasdaq without automatic execution functionality perpetuates the potential for ''dual liability'' that Nasdaq designed SuperSOES to eliminate. The potential for dual liability exists when market participants, such as UTP Exchanges, send SelectNet liability messages to Nasdaq market makers that simultaneously receive executions through SuperSOES. Simultaneous with this filing, Nasdaq will amend SR–NASD–2001–69 to remove the material contained in this filing.

[7] *See* Exchange Act Release No. 42344 (January 14, 2000), 65 FR 3987 (January 25, 2000).

[8] SOES was limited to small agency orders for customers.

its principal automatic execution system, Nasdaq intended for most of the orders executed through Nasdaq's systems to migrate to SuperSOES. Consistent with that approach, access to SelectNet was limited to certain types of non-liability orders that require negotiation with the receiving market participant.[9]

As was the case with SOES, Nasdaq market makers are required to participate in SuperSOES and, therefore, to accept automatic execution against their displayed quotations. However, UTP Exchanges continue to have their quotes in Nasdaq accessed through SelectNet and, as such, are not required to accept automatic executions. Whereas Nasdaq can require, by rule, that its member ECNs provide immediate response to an inbound SelectNet order, it has no authority to extend that requirement to a UTP Exchange. As a result, when a UTP Exchange is alone at the best bid/best offer for a particular security, and that UTP Exchange is only accessible through SelectNet, SuperSOES will stop processing orders in that security and will hold those orders in queue for up to 90 seconds.

This pause serves two purposes. First, it provides a Nasdaq market participant the opportunity to send a SelectNet liability message to the UTP Exchange (if that exchange has chosen to participate in SelectNet[10]), but at the risk of substantial queuing of market and marketable limit orders for that security as the Nasdaq market participant awaits a response to its order. Second, it enables a SuperSOES market participant (*i.e.*, market maker, Full Participant ECN, or participating UTP Exchange) to join the current best bid/best offer or create a new best bid/best offer.[11]

If, after 90 seconds, a SuperSOES market participant does not join the current best bid/best offer, and the UTP Exchange does not respond to its inbound SelectNet order, SuperSOES returns the orders that are in queue and the system shuts down for that security. The system will only resume once the UTP Exchange responds to orders delivered to its quote, or moves its quote away from the inside.[12] Such delays will adversely impact Nasdaq's ability to ensure the proper functioning of our market through a major Nasdaq market system, and to enable market participants to obtain executions for their customers.

SuperSOES increases the speed of executions and improves the access of all market participants to the full depth of a security's trading interest. The volume and speed at which trading occurs in Nasdaq have increased dramatically from when SuperSOES was first proposed nearly two and a half years ago. While SelectNet was adequate as the primary means of UTP Exchange access in the past, this no longer is true. Market participants demand and require the ability to access liquidity at the best prices instantaneously. Because Nasdaq cannot compel UTP Exchanges to provide an automated, immediate response to outbound Nasdaq orders, Nasdaq must be able to trade through the quotations of UTP Exchange participants that do not participate in Nasdaq via automatic execution.

Proposed Amendment

To address these problems, Nasdaq proposed, and the Commission approved, a pilot to amend NASD Rule 4710 to require that UTP Exchanges that voluntarily choose to trade Nasdaq securities through Nasdaq market systems either participate fully in the automatic executions through SuperSOES, or participate in SelectNet pursuant to existing NASD Rules and have their quotations removed from the SuperSOES execution and order processing functionality. Specifically, if a UTP Exchange elects not to participate in SuperSOES (in favor of SelectNet or the telephone), the UTP Exchange's quote will not be accessed through SuperSOES. In this case, SuperSOES will not include that UTP Exchange's quotation for order processing and execution purposes. This will prevent a UTP Exchange that is not otherwise accessible via SuperSOES from effectively shutting down the market in that security.[13]

UTP Exchanges that choose this option would be accessible by telephone as contemplated in the Nasdaq UTP Plan,[14] via SelectNet (pending approval of Nasdaq's proposal to eliminate UTP Exchange access to SelectNet), or via a mutually agreed-upon alternative bilateral link created by the UTP Exchange.[15] Nasdaq welcomes the opportunity to explore the possibility of bilateral linkages, which Nasdaq anticipates could be formed via separate agreement between Nasdaq and the exchange(s).

Nasdaq is proposing the pilot for a number of reasons. First, significant changes in market conditions have resulted in the need for Nasdaq, via SuperSOES, to increase the speed of executions and improve the access of all market participants to the full depth of a security's trading interest. The volume and speed at which trading occurs in Nasdaq have increased dramatically since SuperSOES was first proposed nearly two and a half years ago. Market participants demand and require the ability to access liquidity at the best prices instantaneously. SuperSOES is a significant improvement over prior Nasdaq execution systems, and has become the backbone of our marketplace by providing market participants with a more efficient trading platform as evidenced by faster executions, higher fill rates, larger orders, and prices at the best bid or best offer.

Nasdaq wants to ensure that the market in a particular security does not shut down—thereby harming investors and the market—if there is an unresponsive UTP Exchange setting the current best bid/best offer for that security. The system recognizes the

[9] As originally proposed, market participants were permitted to enter into the modified SelectNet only: (1) Those orders that specify a minimum acceptable quantity for a size that is at least 100 shares greater than the posted quote of the receiving market participant; or (2) All-or-None orders that are at least 100 shares in excess of the displayed bid bid/offer size. Since the original proposal, the SEC has also approved the entry of non-liability, inferior-priced orders through SelectNet.

[10] The Cincinnati Stock Exchange does not participate in any Nasdaq market systems. Instead, it relies on the language in The Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination Of Quotation and Transaction Information For Exchange-Listed Nasdaq/National Market System Securities Traded On Exchanges On An Unlisted Trading Privilege Basis (the ''Nasdaq UTP Plan''), and provides only telephone access to its quotes.

[11] This pause occurs because the quotes of UTP Exchanges and Order Entry ECNs are not accessible through SuperSOES, but only through the order-delivery portion of the system.

[12] To illustrate, assume CHX does not participate in SuperSOES and is alone at the current best bid of $20 for 1000 shares of ABCD. MMA enters an order into SuperSOES, and MMB directs (or preferences) 1,000 shares via SelectNet to CHX. If no other market maker or Full Participant ECN joins the current best bid of $20, SuperSOES stops processing orders in ABCD for 90 seconds. CHX waits 2 minutes before responding to MMB's preferenced SelectNet liability order either by filling or declining the order. (This delay could occur if there are equipment problems at CHX, in Nasdaq, or both.) The result is that the market in ABCD effectively is held up for 2 minutes and SuperSOES is shut off for ABCD (after 90 seconds.)

[13] The Nasdaq UTP Plan governs the trading of Nasdaq-listed securities pursuant to unlisted trading privileges. Subsection (b) of Section IX of the Nasdaq UTP Plan states, in pertinent part, that Plan participants ''shall have direct telephone access to the trading desk of each Nasdaq market participant in each [e]ligible [s]ecurity in which the [p]articipant displays quotations.'' *See* Section IX, Market Access, of the Nasdaq UTP Plan.

[14] We note that this currently is the method that the Cincinnati Stock Exchange has elected to use for trading Nasdaq securities under the Nasdaq UTP Plan.

[15] This proposal would not preclude a UTP Exchange from forming a link with Nasdaq outside Nasdaq's market system or the parameters of an NMS plan.

importance of maintaining price priority and ensuring that market participants receive the best possible price in the market. As such, SuperSOES was originally designed not to trade through the best quote that appears in the Nasdaq montage. However, that premise assumed all quotes would be immediately accessible.[16] SuperSOES must be able to continue operating when a particular quote is not accessible by market participants. To that end, if a UTP Exchange chooses not to participate in SuperSOES, and that UTP Exchange sets the inside bid or ask, Nasdaq will enable SuperSOES not to include that UTP Exchange's quotation for order processing and execution.

Participation in SuperSOES by a UTP Exchange is a voluntary action by each exchange. Nasdaq is not obligated to provide UTP Exchanges with access to any of Nasdaq's proprietary systems. Nasdaq's voluntary action, designed to improve efficiency and maintain an orderly market, should not become an opportunity for a Nasdaq competitor to harm the ability of Nasdaq to improve its markets.

Overall, Nasdaq believes it was appropriate to alter the terms under which a UTP Exchange participates in The Nasdaq Stock Market to address all of the concerns described in this proposal. For the same reasons, it is important to continue the pilot program to preserve the status quo as additional UTP Exchanges prepare to commence trading Nasdaq securities.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of section 15A(b)(6) of the Act, in that the proposal is designed to facilitate transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. In particular, Nasdaq believes that modifying SuperSOES to trade through quotations of non-automatic execution UTP Exchanges is necessary for the fair and orderly operation of The Nasdaq Stock Market by helping to reduce the potential for order queuing or for system stoppages, when a UTP Exchange's quote is inaccessible and is alone at the best bid or best offer.

[16] Order Entry ECNs are not subject to inbound automatic executions in SuperSOES. However, as NASD members, Order Entry ECNs are subject to NASD Rules and the enforcement and disciplinary powers granted therein. As non-members, UTP Exchanges are not subject to the same regulatory infrastructure.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

(i) Significantly affect the protection of investors or the public interest;

(ii) Impose any significant burden on competition; and

(iii) Become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to section 19(b)(3)(A) of the Act[17] and Rule 19b–4(f)(6), thereunder.[18] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate the 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.

Nasdaq has requested that the Commission waive the 30-day operative delay. The Commission finds good cause to waive both the 5-day pre-filing notice requirement and the 30-day operative delay, because the waivers are consistent with the protection of investors and the public interest. Acceleration of the operative date will permit the NASD pilot to continue in operation without interruption. Nasdaq states that the pilot reduces the potential for a shut down in Nasdaq's automatic execution systems. For these reasons, the Commission finds good cause to waive both the 5-day pre-filing requirement and the 30-day operative date.[19]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal 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 Room. Copies of the filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–2002–31 and should be submitted by March 29, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[20]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 02–5550 Filed 3–7–02; 8:45 am]

BILLING CODE 8010–01–P

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(6).

[19] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[20] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 3887]

United States International Telecommunication Advisory Committee, Telecommunication Standardization (ITU and CITEL) Agendas; Notice of Meetings

The Department of State announces meetings of the U.S. International Telecommunication Advisory Committee. The purpose of the Committee is to advise the Department on policy and technical issues with respect to the International Telecommunication Union (ITU). These meetings will address preparations for ITU-T Study Group Meetings.

• The ITAC will meet to prepare for the June 2002 meeting of the Telecommunication Sector Advisory Group (TSAG) from 9:30 to noon on April 17, May 15, and May 29. The April 17 meeting will be held at the Alliance for Telecommunications Industry Solutions (ATIS), 1200 G Street NW., Suite 350, Washington, DC, and the May 15 meeting will be held at TIA, 1300 Pennsylvania Avenue NW., Suite 350, Washington, DC. The May 29

meeting will be in Washington, DC in a location to be announced.

• The ITAC will meet to prepare for the next meeting of ITU–T Study Group 2 on March 12, 2002 from 9:30 to noon at the Federal Communications Commission, 445 12th Street, Washington, DC (room 5–B516), on April 3 at a location and time to be announced, and April 17 at ATIS, 1200 G Street NW., Suite 350, Washington, DC from 1:30 to 3:30.

• The ITAC will meet to prepare for the next meeting of ITU–T Study Group 3 on April 4 from 9:30 to noon at Compass Rose International, 888 17th Street NW., Suite 900, Washington, DC, and May 22 from 9:30 to noon in Washington, DC at a location to be announced.

• The ITAC will meet to prepare for the next meeting of ITU–T Study Group 4 on March 21 at Communications Technologies Inc. (COMTek), 14151 Newbrook Drive, Suite 400, Chantilly, VA 20151 beginning at 9:30.

• The ITAC will meet to prepare for the next meeting of ITU–T Study Group 9 for normal contributions by email on the SGD reflector between March 17 and March 28 and for delayed contributions on May 16 from 9:30 to noon in Washington, DC at a location to be announced.

• The ITAC will meet by email on the SGA reflector between May 2 and May 10 to prepare for ITU–T Study Group 12.

• The ITAC will meet to prepare for the next meeting of ITU–T Study Group 15 on April 12 from about noon to 4:00. This meeting will take place at the Westin Peachtree Plaza, 210 Peachtree Street, Atlanta, GA.

• The ITAC will meet by email on the SGB reflector between May 6 and May 10 to prepare for the next Special Study Group on IMT–2000 and beyond.

• The ITAC will meet on March 13, 2002 at TIA, 1300 Pennsylvania Avenue, Suite 350, Washington, DC to prepare for the next CITEL PCC.I meeting.

• Members of the general public may attend these meetings. Directions to meeting location and actual room assignments may be determined by calling the ITAC Secretariat at 202 647–0965 or e-mail to *minardje@state.gov*. Directions for joining e-mail meetings may be obtained by calling the Secretariat at 202 647–0965.

Attendees may join in the discussions, subject to the instructions of the Chair. Admission of participants will be limited to seating available.

Dated: March 2, 2002.

Doreen McGirr,

Director, ITU–D Affairs, Department of State.

[FR Doc. 02–5647 Filed 3–7–02; 8:45 am]

BILLING CODE 4710–45–P

DEPARTMENT OF STATE

[Public Notice 3911]

Shipping Coordinating Committee; Notice of Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 2 p.m. on Wednesday, March 27, 2002, in Room 2415 of the United States Coast Guard Headquarters Building, 2100 2nd Street SW., Washington, DC 20593–0001. The primary purpose of the meeting is to prepare for the 10th Session of the International Maritime Organization (IMO) Sub-Committee on Flag State Implementation to be held at IMO Headquarters in London, England from April 8th to 12th.

The primary matters to be considered include:

—Responsibilities of Governments and measures to encourage flag State compliance;

—Self-assessment of flag State performance;

—Implications arising when a vessel loses the right to fly the flag of a State;

—Regional cooperation on port State control;

—Reporting procedures on port State control detentions and analysis and evaluation of reports;

—Mandatory reports under International convention for the Prevention of Pollution (MARPOL 73/78);

—Casualty statistics and investigations;

—Review of resolutions A.744(18) and A.746(18);

—Illegal, unregulated and unreported (IUU) fishing and related matters;

—Matters related to the Commission on Sustainable Development;

—Development of guidelines for survey and certification for anti-fouling paints.

Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may seek information by writing to Commander Linda Fagan, Commandant (G–MOC), U.S. Coast Guard Headquarters, 2100 2nd Street, SW., Room 1116, Washington, DC 20593–0001, or by calling (202) 267–0972.

Dated: March 1, 2002.

Stephen Miller,

Executive Secretary, Shipping Coordinating Committee, Department of State.

[FR Doc. 02–5648 Filed 3–7–02; 8:45 am]

BILLING CODE 4710–07–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket OST–2002–11590]

Notice of Order Soliciting Community Proposals

AGENCY: Department of Transportation.

ACTION: Notice of order soliciting community proposals (Order 2002–2–11).

SUMMARY: The Department of Transportation is instituting a new small community air service development program by soliciting an initial round of proposals from interested communities and consortiums of communities. On Thursday, February 28, 2002, the Department published this Notice in the **Federal Register** [67 FR 9351]. However, Order 2002–2–11, intended to be added as an attachment to this Notice, was inadvertently not published on February 28, 2002. The aforementioned Order has now been included and appears in full text as an attachment to this document.

DATES: Proposals should be submitted no later than April 22, 2002.

ADDRESSES: Interested parties should submit an original and five copies of their proposals, bearing the title ''Proposal under the Small Community Air Service Development Pilot Program, Docket OST–2002–11590'' as well as the name of the community or consortium of communities, and the legal sponsor, to the Docket Operations and Media Management Division, SVC–124, Room PL–401, Department of Transportation, 400 7th Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Matthew C. Harris, Special Assistant to the Assistant Secretary for Aviation and International Affairs, Department of Transportation, 400 7th Street, SW., Washington, DC 20590 (202) 366–8822.

Dated: March 4, 2002.

Read C. Van de Water,

Assistant Secretary for Aviation and International Affairs.

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket OST–2002–11590]

Institution of the Small Community Air Service Development Pilot Program under 49

U.S.C. 41743 *et seq.*; Order Soliciting Community Proposals
Issued by the Department of Transportation on the 13th day of February, 2002.

SUMMARY: By this order, the Department is instituting a new small community air service development pilot program by soliciting an initial round of proposals from interested communities and consortiums of communities. Proposals should be submitted no later than 60 days after the date of service of this order to ensure priority consideration.

Background

On April 5, 2000, the President signed the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR–21), P.L. 106–181. Among other things, the statute establishes a new pilot program designed to help smaller communities to enhance their air service. To fund the program, the statute authorized a funding level of $20.0 million for fiscal year 2001 and $27.5 million for each of fiscal years 2002 and 2003. (Financial assistance is not the only type of assistance under the program. For example, in appropriate situations, the Department can assist a community in trying to get joint ticketing and other ''through'' services from a network carrier at the connecting hub.) No funds were appropriated for the first year, but in the Department's FY 2002 appropriation bill, P.L. 107–42, Congress appropriated $20 million for the program. The statute directs the Secretary to assist communities in developing projects that will enhance their access to the National air transportation system through public-private partnerships, and to help communities overcome factors that might be inhibiting improvements in their current air service.[1]

Specifically, the law authorizes the Secretary to provide financial assistance (direct financial assistance to an air carrier is limited to three years) to as many as 40 communities nationwide at any given time, though no more than four of those may be from the same state.[2] While no community is required to contribute a portion or share of the cost of this program, the law directs the Secretary to give priority to those communities or consortia of communities where: (a) average air fares are higher than the air fares for all communities; (b) a portion of the cost of the activity contemplated by the community is provided from local, non-airport revenue sources; (c) a public-private partnership has been or will be established to facilitate air carrier service to the public; and (d) improved service will bring the material benefits of scheduled air transportation to a broad section of the traveling public, including businesses, educational institutions, and other enterprises whose access to the National air transportation system is limited.

Participation in the program will remain open and thus is not necessarily limited to those communities that initially apply for and receive funding. We would consider additional proposals over the balance of the program's life if funds remain unexpended.

Community Proposals

The new law is very general about how program funding can be used. Moreover, we recognize that each community's circumstances may be different, and that each community needs some latitude in identifying its own objectives and developing strategies for accomplishing them. What should remain clear, however, is that program funding is intended to improve air service to those communities that are not receiving sufficient air service or are experiencing unreasonably high air fares, and not to shift existing costs from the local or state level to the federal level.

There is a host of means by which a community might enhance its present air service or attract new service, such as: by promoting awareness among residents of locally available service; by attracting a new carrier through revenue guarantees or operating cost offsets; by offering an incumbent carrier financial incentives to lower its fares, increase its frequencies, add new routes, or deploy larger, faster aircraft, including upgrading its equipment from turboprops to regional jets. The core objective of the pilot program is to secure enhancements that will be responsive to a community's air transportation needs and whose benefits can be expected to continue after the initial expenditures.

Consequently, we encourage communities and consortiums of communities to consider a wide range of initiatives in developing their proposals. At the same time, we will not entertain general, vague, or unsupported proposals. Also, the more highly defined a proposal is, the more likely it will receive favorable consideration. At a minimum, we expect proposals to address the following areas specifically:

- A description of the community's existing air service, including service frequency, direct and connecting destinations offered, available fares, and equipment types.
- A synopsis of the community's historical service including destinations, traffic levels, service providers, and any extenuating factors that might have affected traffic in the past or that can be expected to influence service needs in the near to intermediate term.
- An analysis of the community's air service needs or deficiencies, including a comparison of fares currently offered at the community to those offered at similar communities in similarly served markets.
- A strategic plan for meeting those needs through the pilot program, including the community's specific project goal and a timetable for attaining that goal. As noted above, we expect that self-sufficiency of the new or improved service will be an integral part of the community's goal. Applicants should not assume a multi-year award. Moreover, many communities might find that a single funding award for one year would be sufficient to finance their projects, or resolve their service or fare issue.
- A description of the public-private partnership that will be responsible for the program developed at the local level. The partnership can either be an existing organization or an entirely new one. A public member of the organization should be identified as the community's sponsor to accept program reimbursements.
- An analysis of the funding necessary for implementation of the community's project, including the federal and non-federal contributions. In calculating the non-federal contribution, we anticipate that we would not recognize contributions that simply continue already-existing programs or projects; ideally, the contributions should represent new financial resources devoted to attracting new or improved service, or addressing a specific high-fare issue. Furthermore, while we will consider proposals that employ in-kind trading (for example, reduced landing fees or terminal rent or non-cash transactions such as free advertising in exchange for reduced-fare travel), as a general matter, in-kind trading is frequently hard to quantify and may put a community at a competitive disadvantage when compared to other communities whose proposals include straight cash contributions.
- An explanation of how the community will provide assurances that its own funding contribution is spent in the manner proposed.

[1] See Appendix A for the actual text of the authorizing statute.

[2] The statute specifies that a consortium of communities should be considered as a single entity.

• Descriptions of how the community or consortium of communities will monitor the success of the program and how they intend to notify the Department of critical milestones during the life of the program, including the need to modify, or discontinue funding.

• We are not encouraging proposals that rely primarily on diverting passengers for whom a neighboring airport would be most convenient. Rather, we would encourage proposals that attempt to stimulate new demand at the local airport and make that service more attractive such that local passengers would no longer have the incentives to drive to a more distant airport. Proposals should clearly identify the target audience of all advertising and promotion efforts.

Proposals are due 60 days after the date of service of this order.[3] Proposals filed after that date will be accepted, but those filed within the 60-day period will be given priority consideration.

Department Review

The Department will carefully review each proposal and the staff may contact applicants and discuss their proposals with them if clarifications or more information is needed. At that time, the communities will have an opportunity to amend their proposals. Department staff will then review the final proposals before recommending appropriate action for final consideration.

In general terms, our review will focus on the following questions:

• Is the community truly experiencing insufficient air service or higher than average air fares when compared to similar communities?

• Does the proposal represent the best and most efficient method of meeting that need, given the community's circumstances?

• Are the community's objectives attainable during the funding period requested? Is there a realistic prospect that the enhanced service—in terms of quantity, quality, or price—could be sustained beyond the end of the funding period?

• Is there low-fare service within a reasonable distance of the community that may affect the potential for the community's project to be successful?

• Has a public-private partnership been identified to be responsible for the program at the local level? Has a public agency or organization been identified as the local sponsor to serve as a clearinghouse to submit reimbursement requests and receive program funding from the Department? Have protections been established to ensure that money intended for this project cannot be diverted to other uses?

• Is the requested funding level appropriate for the project being proposed? Has the community proposed an acceptable method to modify or suspend the requested funding prior to the end of the planned funding period if the project is not attaining the desired results?

Interested communities should submit an original and five copies of their proposals, bearing the title ''Proposal under the Small Community Air Service Development Pilot Program'' as well as the name of the community or consortium of communities, the legal sponsor, and the docket number as shown on the first page of this order, to the Docket Operations and Media Management Division, SVC–124, Room PL–401, Department of Transportation, 400 7th Street, SW., Washington DC 20590. Questions regarding the new program or the filing of proposals should be directed to Matthew C. Harris, Special Assistant to the Assistant Secretary for Aviation and International Affairs, at (202) 366–8822 or *matt.harris@ost.dot.gov.*

This order is issued under authority delegated in 49 CFR 1.56a(f).

Accordingly,

1. Community proposals for funding under the Small Community Air Service Development Pilot Program should be submitted no later than 60 days after the date of service of this order. Subsequent proposals will be considered on an ad hoc basis; and

2. This docket will remain open until further order of the Department.

This order will be published in the **Federal Register**.

Read C. Van de Water,
Assistant Secretary for Aviation and International Affairs.

Appendix A

Sec. 203. Improved Air Carrier Service to Airports not Receiving Sufficient Service

(a) *In General*—Subchapter II of chapter 417 is amended by adding at the end the following:

Sec. 41743. Airports not receiving sufficient service

(a) *Small Community Air Service Development Pilot Program*—The Secretary of Transportation shall establish a pilot program that meets the requirements of this section for improving air carrier service to airports not receiving sufficient air carrier service.

(b) *Application Required*—In order to participate in the program established under subsection (a), a community or consortium of communities shall submit an application to the Secretary in such form, at such time, and containing such information as the Secretary may require, including—

(1) An assessment of the need of the community or consortium for access, or improved access, to the national air transportation system; and

(2) An analysis of the application of the criteria in subsection (c) to that community or consortium.

(c) *Criteria for Participation*—In selecting communities, or consortia of communities, for participation in the program established under subsection (a), the Secretary shall apply the following criteria:

(1) *Size*—For calendar year 1997, the airport serving the community or consortium was not larger than a small hub airport (as that term is defined in section 41731(a)(5)), and—

(A) Had insufficient air carrier service; or

(B) Had unreasonably high air fares.

(2) *Characteristics*—The airport presents characteristics, such as geographic diversity or unique circumstances, that will demonstrate the need for, and feasibility of, the program established under subsection (a).

(3) *State Limit*—No more than four communities or consortia of communities, or a combination thereof, may be located in the same State.

(4) *Overall Limit*—No more than 40 communities or consortia of communities, or a combination thereof, may be selected to participate in the program.

(5) *Priorities*—The Secretary shall give priority to communities or consortia of communities where—

(A) Air fares are higher than the average air fares for all communities;

(B) The community or consortium will provide a portion of the cost of the activity to be assisted under the program from local sources other than airport revenues;

(C) The community or consortium has established, or will establish, a public-private partnership to facilitate air carrier service to the public; and

(D) The assistance will provide material benefits to a broad segment of the traveling public, including business, educational institutions, and other enterprises, whose access to the national air transportation system is limited.

(d) *Types of Assistance*—The Secretary may use amounts made available under this section—

(1) To provide assistance to an air carrier to subsidize service to and from an underserved airport for a period not to exceed 3 years;

(2) To provide assistance to an underserved airport to obtain service to and from the underserved airport; and

(3) To provide assistance to an underserved airport to implement such other measures as the Secretary, in consultation with such airport, considers appropriate to improve air service both in terms of the cost of such service to consumers and the availability of such service, including improving air service through marketing and promotion of air service and enhanced utilization of airport facilities.

(e) *Authority to Make Agreements*—

(1) *In General*—The Secretary may make agreements to provide assistance under this section.

(2) *Authorization of Appropriations*—There is authorized to be appropriated to the

[3] See Appendix B for additional application information.

Secretary $20,000,000 for fiscal year 2001 and $27,500,000 for each of fiscal years 2002 and 2003 to carry out this section. Such sums shall remain available until expended.

(f) *Additional Action*—Under the pilot program established under subsection (a), the Secretary shall work with air carriers providing service to participating communities and major air carriers (as defined in section 41716(a)(2)) serving large hub airports (as defined in section 41731(a)(3)) to facilitate joint-fare arrangements consistent with normal industry practice.

(g) *Designation of Responsible Official*—The Secretary shall designate an employee of the Department of Transportation—

(1) To function as a facilitator between small communities and air carriers;

(2) To carry out this section;

(3) To ensure that the Bureau of Transportation Statistics collects data on passenger information to assess the service needs of small communities;

(4) To work with and coordinate efforts with other Federal, State, and local agencies to increase the viability of service to small communities and the creation of aviation development zones; and

(5) To provide policy recommendations to the Secretary and Congress that will ensure that small communities have access to quality, affordable air transportation services.

(h) *Air Service Development Zone*—The Secretary shall designate an airport in the program as an Air Service Development Zone and work with the community or consortium on means to attract business to the area surrounding the airport, to develop land use options for the area, and provide data, working with the Department of Commerce and other agencies.'.

(b) *Conforming Amendment*—The analysis for subchapter II of chapter 417 is amended by adding at the end the following: 41743. Airports not receiving sufficient service.'.

Appendix B

Small Community Air Service Development Pilot Program Grant Application

General, Review Criteria, Deadline

Congress recently approved a new Federal program within the Department of Transportation to assist small communities with efforts to address scheduled air service deficiencies. The Department of Transportation's Office of Aviation and International Affairs has been assigned the responsibility to design and implement this new program in such a way as to help local communities implement air service development strategies to address a variety of issues related to high air fares and poor service. At the heart of the new program is a scaled grant-in-aid formula similar in some respects to the grant allocation formula used by the Federal Aviation Administration to administer the Airport Improvement Program. In order to participate in the Pilot program, a community, or a consortium of communities, must submit a Grant Application, described below. Once the Application has been reviewed, the Department will issue a proposed Grant Offer and Grant Agreement to each airport, community, or consortium of communities selected for inclusion in the program.

The Department's selection of those airports and communities to be included in the Pilot Program will be based on the following objective criteria and none other:

- Relative size of each applicant community;
- Geographic location of each applicant;
- Grant amount requested compared with total funds available for all communities;
- Proposed federal grant amount compared with local share offered;
- Uniqueness of applicants' claimed problem(s); and
- Relative ability of applicant to resolve or address claimed problem(s).

An original and five copies of each application should be submitted by the end of the 60-day period commencing with the date of service of this order. Applications that are submitted after that date, or applications that are incomplete, will be considered for inclusion in the program only if funds remain after all other successful pending applications have been funded. If an incomplete or incorrect application is submitted early in the 60-day period, the DOT staff will contact the applicant and provide the applicant an opportunity to complete or correct the application.

Grant Application, Grant Offer and Grant Agreement; When To Proceed

Because each airport community's needs are different, the Department expects to see a variety of grant-in-aid requests. There is no exact format to follow or form to fill out per se. Each community should submit an application containing as much detail as possible, both to describe the recent history of local air service, efforts on the part of the community to address service deficiencies, the current service situation, and the service issues and opportunities assistance from the Federal government will help to address.

Please be aware that applicants should not assume they have received a grant-in-aid until they have received and executed a Grant Agreement. All grant funds are provided on a reimbursable basis and only for expenses incurred and billed during the period the Grant Agreement is in effect. There can be no exceptions.

Who Is Eligible to Participate in This Grant Program?

This is a grant-in-aid program designed to help local communities deal effectively with actual air service problems or opportunities. By P.L. 106–181, in order to be eligible, the airport serving the community or consortium was a small hub or nonhub airport in calendar year 1997. (49 U.S.C. 41743(C)(1).) The recognized owner or operator of any public-use airport in the United States may submit a Grant Application. In addition, a local chamber of commerce, an air service task force, or a similar organization or group of local organizations may serve as the ''unofficial'' sponsor as long as a local government unit executes the Grant Agreement as a co-sponsor on behalf of the local non-public organization.

What should the application consist of?

- A cover letter describing the Grant Request, the sponsoring government entity and any co-sponsors;
- Airport operating budgets for the previous two years showing revenues and expenses. Expenses and revenues should be broken down on an object basis according to GAAP.
- Airport operating budget for the current fiscal or calendar year showing planned expenses and anticipated revenues;
- Air Service Development Action Plan—general description, including as much detail as possible.
  - What is the primary objective of your plan?
  - What do you hope to accomplish: upgraded service, new hubs, more airlines, lower fares, more frequent flights, etc.?
  - What do you not expect to accomplish with this grant?
  - If you intend to conduct a study(s) as a portion of your action plan, what type will you conduct: deficiency studies, ticket lift surveys, parking lot studies, zip code studies, passenger surveys, demographic comparisons, fare analyses, traffic bleed analyses, other?
  - Will you hire to fill any full-time equivalent position(s) to carry out the action plan now or in the future?
  - Will you make use of local universities in any travel-related surveys?
  - Do you expect to hire or employ any type of consulting firm or public-relations firm to assist you?
  - If you have an existing Action Plan that a Federal grant from this program will assist, show existing funding sources and amounts, and describe the existing program with sufficient detail to explain or define the past, the current situation, and any existing 5-year, 10-year, and 20-year plans.
  - If this is a new program, what are the immediate, mid-term, and long-term goals?
  - Does the airport have an existing master plan or airport layout plan that details any airside or groundside capacity-related projects that must be completed or will be required if the airport is successful in reaching its goal?
  - Are Federal AIP funds currently obligated, through a Letter of Intent or otherwise, for any Federal-eligible project identified above?
  - What is the construction time-line of all Federal-eligible projects identified above?
  - How should the effectiveness of your Action Plan be measured?
- Budget for near-term (immediate to five-year) air service improvement strategies—immediate action plan
- Anticipated local share
  - Actual funds from all sources, including local government (budgeted amount, current, and projected for the proposed life of the Grant Agreement), local businesses and organizations (contributions), airlines, airport users.
  - Value and description of in-kind services.
- Anticipated state contribution
  - Actual funds from current programs

- Anticipated new funds for this program
- Expected Federal contribution
  - Budget request
- Total of all Funds Available for Action Plan
- Projected budget for mid-term and long-term (5-year and beyond) Air Service Improvement Strategies
- Expected local contribution
  - Actual funds from all sources, including local government (budgeted amount, current and projected for the proposed life of the Grant Agreement), local businesses and organizations (contributions), airlines, airport users.
  - Value and description of in-kind services
- Expected state contribution
  - Actual funds from current programs
  - Anticipated new funds for this program

How Can Pilot Program Funds Be Used?

Pilot Program funds can be used to cover the expenses of any new advertising or promotional activities that can reasonably be related to improving the scheduled air service to the community. Funds may be used for any type of new media advertising; for new studies designed to measure air service deficiencies, or to measure traffic loss or bleed to other communities; for new expenses associated with conducting promotional activities; and for the employment of new dedicated air service development staff on a long-term basis, advertising or public relations agencies, universities, and consulting firms.

Design of Pilot Program

This Small Community Air Service Development Pilot Program is designed to help individual communities address a variety of service issues. Indeed, because air service problems can run the gamut of issues from low frequency and wrong equipment to high fares and wrong markets, there is no one program that will be ''right'' for every community. Certain things are well known, however, that will allow the Department to channel the limited grant resources in this Pilot Program to those communities where it will do the most good.

Why Are Large and Medium Hubs not Included in the Pilot Program?

Congress limited eligibility to small hubs and smaller airports based on calendar year 1997 designations.

What Is an Appropriate Local Share of the Project's Cost?

A local share is not required to receive a grant under the Pilot Program, although it will be considered a positive element. To the extent that a grant under this program would enhance a community's ongoing effort to improve its local air service, a local share would be appropriate and may help the Department to extend the benefits of the program to a larger pool of communities. We would anticipate that larger airports would seek a larger grant amount and submit proposals showing a larger local/state share.

Grant Application Checklist

- Airport and community name
  Address
  Contact person w/phone number
- Additional community members
  Addresses
  Contact persons w/phone numbers
- Project Sponsor (If different from above)
  Address
  Contact person w/phone number
- Project Proposal
  - Project description
  - Project duration
  - Project elements
  - Project Cost
  - Local share
  - Public funds
  - Private funds
  - State share
  - Federal share
  - Total Cost $_____
- Proposed evaluation criteria

[FR Doc. 02–5635 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary; North American Free Trade Agreement Conference

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: This notice (1) announces a DOT-sponsored North American Free Trade Agreement (NAFTA) information conference, to be held at the Westin Riverwalk Hotel in San Antonio, Texas, May 29–31, 2002, (2) provides information about the conference for prospective attendees; and (3) identifies a dedicated website that will provide continuously updated information about the conference including registration information. U.S., Canadian, and Mexican government officials representing agencies that have inspection, security and other defined responsibilities affecting the clearance of cross-border transport operations will conduct panel sessions that convey information about their agency requirements affecting the operations of commercial truck and bus companies engaged in cross-border operations. This conference was originally scheduled to take place in October 2001, but was postponed following the terrorist attacks on the United States on September 11, 2001.

Background

Since 1982, the operation of most Mexican motor carriers in the United States has been limited by a statutory moratorium on DOT's granting of authority to those carriers to operate outside the commercial zones along the U.S.—Mexico border. The North American Free Trade Agreement (NAFTA) created a timetable for the gradual lifting of that moratorium over six years from entry into force of the agreement, and it provided for liberalizing investment restrictions on trucking companies established in Mexico and the United States. Liberalized access was to have begun in 1995, but the United States postponed implementation due to safety concerns. A NAFTA dispute resolution panel subsequently ruled that the U.S. blanket prohibition on processing Mexican motor carrier applications for authority to operate throughout the United States violated the NAFTA.

Since 1995, the United States has taken steps to augment its ability to assure compliance with U.S. motor carrier safety regulations. In addition, as part of DOT's FY–2002 appropriations act, the Congress specified a number of actions that the Department must take prior to processing Mexican motor carrier applications for authority to operate throughout the United States. In anticipation of a Presidential order lifting the moratorium, the Department is currently taking steps to comply with the provisions of the appropriations act and expects to be ready to process Mexican motor carrier applications for authority to operate throughout the United States by June 30, 2002. All foreign motor carriers operating in the United States are subject to the same federal and state regulations and procedures that apply to U.S. carriers. These include safety regulations, insurance requirements, tariff requirements, and payment of all taxes and fees. In addition, foreign motor carriers and drivers must comply with applicable customs and immigration laws and regulations. Under the NAFTA, these compliance obligations are completely reciprocal so that U.S. carriers and drivers are similarly obligated to comply with Canadian and Mexican statutory and regulatory requirements while conducting operations in those countries.

While U.S. and Canadian carriers have been conducting operations in each other's respective countries for some time, Mexican motor carriers will be operating in the United States for the first time once the NAFTA's access provisions are implemented. Similarly, operations into Mexico will be a new experience for most U.S. and Canadian motor carriers. The many federal and state regulatory requirements and the multiplicity of federal and state agencies imposing them may be confusing and intimidating to these first-time entrants and could discourage them from attempting to take advantage of the NAFTA's transportation provisions. For this reason, the Department of Transportation, in cooperation with Canada, Mexico, and other federal agencies will host a NAFTA information

conference in San Antonio, Texas, May 29–31, 2002 to promote an understanding of the requirements for legal cross-border motor carrier operations among the three NAFTA countries. The Department will be assisted in preparing for the conference by the Free Trade Alliance San Antonio.

Who Should Attend

This conference will be beneficial for government lawyers, commercial truck carriers, bus operators, customs brokers, shippers, and other companies and/or associations that have an interest in the conduct of cross-border business that will involve transport operations.

Meetings and Deadlines

The NAFTA conference will include panels that convey information about: (1) Applying for federal motor carrier operating authority; (2) immigration requirements for drivers operating outside of their own country; (3) Customs requirements for foreign trucks engaged in international operations; (4) agriculture regulations applicable to imported commodities; (5) tax obligations for companies operating commercial vehicles outside their own country; (6) motor carrier safety standards; (7) hazardous materials transportation safety regulations; (8) vehicle weight and dimensions standards; and other requirements. Other panels may be added as preparations for the conference progress. Representatives from the various agencies will be available following panel discussions to address questions from conference attendees. Finally, each attendee will be provided a resource book from each country containing additional information, contact names, e-mail and phone numbers that may be used to obtain additional information.

Languages

All conference sessions will be conducted either in English or Spanish with simultaneous translation. To the extent possible, agency representatives who address specific questions from attendees outside the formal panel sessions will be bilingual.

Updated Information and Hotel Registration

To provide a continuous source of updated conference information, the Department of Transportation's Office of International Transportation & Trade has established a Web site for prospective attendees and other interested parties. The DOT Web site will contain an updated schedule of events, guest speakers, and agendas for the panel sessions as they are developed. The Web site can be accessed by going to the DOT homepage at *www.dot.gov/NAFTA.*

The DOT Web site also has a link to the Free Trade Alliance San Antonio's Web site, where a registration form for the conference can be accessed and completed online. Registration forms can also be downloaded from the Web site and completed manually. Forms completed manually should be returned to the Free Trade Alliance, 203 South St. Mary's Street, Suite 130, San Antonio, Texas 78205, or faxed to 210–229–9724. Registration forms and information about the conference, hotel accommodations, and the city of San Antonio can also be obtained by writing to the Free Trade Alliance or by telephoning 210–229–9036.

All participants are requested to fill out a conference registration form. A block of rooms has been reserved at the Westin Riverwalk Hotel, 420 West Market Street, San Antonio, Texas 78205. Interested parties can contact the hotel by telephone at 210–224–6500 or by fax at 210–444–6000. Further information about accommodations can be found on the Free Trade Alliance Web site at *www.freetradealliance.org.*

Address and Phone Numbers

For further information please contact Eddie Carazo, U.S. Department of Transportation, OST/X–20, Room 10300, 400 Seventh Street, SW., Washington, DC 20590, telephone (202) 366–2892, or fax (202) 366–7417.

Dated: February 28, 2002.

Bernestine Allen,

Director, Office of International Transportation and Trade.

[FR Doc. 02–5625 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Policy Statement Number ANM–01–02]

FAA Policy on Type Certification Assessment of Thrust Management Systems

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final policy statement.

SUMMARY: This document announces an FAA policy applicable to the type certification of transport category airplanes. This document advises the public, in particular manufacturers of transport category airplanes and their suppliers, that the FAA intends to adopt a new policy concerning the type certification assessment of thrust management systems.

FOR FURTHER INFORMATION CONTACT: Mike McRae, Federal Aviation Administration, Transport Airplane Directorate, Transport Standards Staff, Propulsion/Mechanical Systems Branch, ANM–112, 1601 Lind Avenue SW., Renton, WA 98055–4056; telephone (425) 227–2133; fax (425) 227–1320; e-mail: *mike.mcrae@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA traditionally has certified automated thrust management features, such as autothrottles and ''target rating'' displays, on the basis that they are only conveniences to reduce crew workload and do not relieve the crew of any responsibility for assuring proper thrust management. Consequently, even when the crew is no longer directly involved in performing a given thrust management function, they must be ''aware'' when this function is not being performed safely. Further, when they do become ''aware'' of any thrust management malfunction, they must be capable of taking appropriate corrective action to safely address that malfunction.

For most thrust management systems (TMS) that the FAA has certified to date, this crew ''awareness'' has been accepted as coming from:

a. Inherent aircraft operational cues (for example, failure of the throttles to properly respond to an autothrottle command is usually assumed to be detectable by improper movement of the throttle levers, engine indications, or other inherent aircraft responses); or

b. Adherence to training and procedures (for example, crews are trained to cross-check the TMS ''target rating'' against the Quick Reference Handbook rating or the rating on a dispatch sheet); or

c. Dedicated failure detection and annunciation (for example, if the autothrottle detects that it cannot perform its function, under some circumstances it will automatically disconnect itself and announce that fact through a crew alerting feature).

Service History Involving TMS Issues

There have been at lest two recent accidents related to TMS effects:

1. *March 31, 1995, Tarom Airbus Model A310–300, Bucharest, Hungary:* The airplane crashed shortly after takeoff. The Romanian investigating team indicated that the probable cause of the accident was the combination of an autothrottle failure that generated

asymmetric thrust and the pilot's apparent failure to react quickly enough to the developing emergency.

2. *November 24, 1992, China Southern Boeing Model 737–300, Guilin, China:* The airplane crashed shortly before landing at Guilin. The Civil Aviation Administration of China team investigating the probable cause of the accident concluded that the right autothrottle did not react during descent and level off. As a result, the thrust asymmetry induced the airplane to roll to the right. The flightcrew failed to recognize the abnormality and make correction in time, ''followed by wrongful control input and crashed.''

Data from these accident investigations have provided evidence that it is incorrect to assume that the flightcrew will always detect and address potentially adverse TMS effects strictly from inherent operational cues.

Similarly, other service experience suggests that it is not reasonable to expect the flightcrew to adhere strictly to operational checks that are not specified in the flight manual, and that usually indicate the system is working correctly. It is not sufficient to find that the flightcrew ''should normally be able'' to detect and safety accommodate theses failures. Instead, it should be found that the flightcrew is anticipated ''always'' to safely accommodate these failures. This distinction is intended to differentiate between those ''human errors'' that are simply part of anticipated human behaviors and limitations, and those that are ''extraordinary'' or ''negligent.''

The FAA maintains that transport category airplane type designs should safely accommodate anticipated human errors. Therefore, the FAA has concluded that dedicated failure detection and annunciation is necessary to provide adequate ''crew awareness'' of TMS malfunctions.

Discussion of Proposed Policy Statement

On June 14, 2001, the FAA issued a notice of policy statement; request for comments (66 FR 32410) concerning how the FAA would evaluate various items when certifying automatic thrust management features in transport category airplanes. No comments were received. Accordingly, the FAA Policy on Type Certification Assessment of Thrust Management Systems is adopted as proposed.

Intent of This Policy Statement

The FAA intends the policy discussed in this document to ensure that the actual criticality of automated thrust management features is identified and adequately addressed during type certification compliance with the fail-safe requirements of Title 14, Code of Federal Regulations (CFR), part 25, including:

§ 25.901(c) (''Powerplant: Installation''),
§ 25.903(b) (''Engines''), and
§ 25.1309(b) (''Equipment, systems, and installations'').

This policy is included in a draft Advisory Circular (AC) 25.901–1X, ''Safety Assessment of Powerplant Installations,'' which the Aviation Rulemaking Advisory committee (ARAC) developed and submitted to the FAA as a recommendation for issuance. (Refer to 56 FR 2190, January 22, 1991, for more information about ARAC. Refer to 57 FR 58845, December 11, 1992, for more information about the ARAC–sponsored working group assigned to develop the recommendation.)

Draft AC 25.901–1X currently is part of a planned ''Safety Assessment'' rulemaking package that will include several proposed rules and advisory circulars. The FAA plans to issue those proposed documents for public comment at a future date. However, the FAA has chosen to publish this particular segment as a policy statement in advance of the complete AC 25.901–1X.

To reduce the exposure to accidents like those described above, the FAA will use this policy to identify and correct any similar unsafe conditions in the current transport fleet and for all future type certification activities.

Effect of Policy Statement

The policy stated in this document is not intended to establish a binding norm; it does not constitute a new regulation and the FAA would not apply or rely upon it as a regulation. The FAA Aircraft Certification Offices (ACO) that certify transport category airplanes and/or the thrust management systems installed on them should generally attempt to follow this policy, when appropriate. However, in determining compliance with certification standards, each ACO has the discretion not to apply these guidelines where it determines that they are inappropriate. Applicants should expect that the certificating officials will consider this information when making findings of compliance relevant to new certificate actions.

In addition, as with all advisory material, this policy statement identifies one means, but not the only means, of compliance.

The Policy Statement

Thrust Management Systems

A System Safety Assessment is essential for any airplane system that aids the crew in managing engine thrust (for example, computing target engine ratings, commanding engine thrust levels, *etc.*) At a minimum, the applicant must assess the system criticality and failure hazard classification.

The system criticality will depend on:

- The range of thrust management errors it could cause;
- The likelihood that the flightcrew will detect these errors and take appropriate corrective action; and
- The severity of the effects of these errors with and without intervention by the flightcrew.

The hazard classification will depend on the most severe effects anticipated from any system. The need for more in-depth analysis will depend upon such things as the system's complexity, novelty, initial failure hazard classification, and relationship to other aircraft systems.

Automated thrust management features, such as autothrottles and target rating displays, traditionally have been certified on the basis that they are only conveniences to reduce crew workload and do not relieve the flightcrew of any responsibility for assuring proper thrust management. In some cases, malfunctions of these systems can be considered minor, at most. However, for this to be valid, even when the flightcrew is no longer directly involved in performing a given thrust management function, the flightcrew must be provided with information concerning unsafe system operating conditions to enable them to take appropriate corrective action.

Consequently, failures within any automated thrust management feature that could create a catastrophe if not detected and properly accommodated by flightcrew action should be considered either:

1. a catastrophic failure condition when demonstrating compliance with § 25.1309(b) and/or § 25.901(c); or

2. an unsafe system operating condition when demonstrating compliance with the warning requirements of § 25.1309(c).

Issued in Renton, Washington, on February 22, 2002.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–5634 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: City of Manassas and Fairfax, Prince William and Loudoun Counties, VA

AGENCY: Federal Highway Administration.

ACTION: Notice of intent.

SUMMARY: The Federal Highway Administration (FHWA) is issuing this notice to advise the public of its intent to prepare an Environmental Impact Statement (EIS) for the Tri-County Parkway. The Tri-County Parkway has been conceptually conceived as a 10-mile long, four to six lane controlled access facility on new location linking Route 234 (Sudley Road) in the City of Manassas and Braddock Road in Loudoun County. The project is intended to address the need to accommodate projected growth and travel in the region over the next twenty years. Three public scoping meetings have been scheduled, one each in Fairfax, Prince William and Loudoun County, as part of the National Environmental Policy Act (NEPA) process to facilitate coordination and identify all of the issues that need to be addressed and taken into consideration in the EIS. These meetings will be held from March 19–21, 2002, from 5 p.m. to 7 p.m. at the following locations as part of the preparation of the EIS:

March 19, 2002—Westfield High School, 4700 Stonecroft Road, Chantilly, VA;

March 20, 2002—Arcola Elementary School, 24328 Goshen Road, Arcola, VA;

March 21, 2002—Stonewall Jackson H.S., 8820 Rixlew Lane, Manassas, VA;

One agency scoping meeting will be held on March 20, 2002, at 1 p.m. at the VDOT Northern Virginia District Office in Chantilly at 14685 Avion Parkway.

FOR FURTHER INFORMATION CONTACT: Edward Sundra, Senior Environmental Specialist, Federal Highway Administration, Post Office Box 10249, Richmond, Virginia 23240–0249, Telephone 804–775–3338; or Ken Wilkinson, Environmental Program Planner, Virginia Department of Transportation, 1401 East Broad Street, Richmond, Virginia, 23219–2000, Telephone 804–371–6758.

SUPPLEMENTARY INFORMATION: With this notice of intent, FHWA in cooperation with the VDOT, is initiating the NEPA process to prepare an EIS for the proposed Tri-County Parkway to address the need to accommodate projected growth and travel in the region. Section 4(f) of the Department of Transportation Act of 1966 may also be invoked as a result of the proposed project in which case a section 4(f) Evaluation will be prepared and included as part of the EIS.

Recognizing that NEPA requires the consideration of a reasonable range of alternatives that will address the purpose and need, the EIS will include a range of alternatives for detailed study consisting of the no-build alternative, transportation system management strategies, mass transit, and the improvement/upgrade of existing roadways (a.k.a. the low-build alternative). In addition, new location build alternatives will be developed, screened, and carried forward for detailed analysis in the draft EIS based on their ability to address the purpose and need while avoiding, minimizing, and mitigating impacts to known and sensitive resources to the extent practical.

Letters describing the proposed NEPA study and soliciting input will be sent to the appropriate Federal, State and local agencies and to organizations and citizens who have expressed or are known to have an interest or legal role in this proposal. A series of scoping meetings will be held as part of the NEPA process to facilitate local, state, and federal agency involvement and input into the project in an effort to identify all of the issues that need to be addressed in the EIS. The time and location of these scoping meetings is described above.

Private organizations, citizens, and interest groups will also have multiple opportunities to provide input into the development of the EIS. Two rounds of three Citizen Participation Meetings each will be held during the development of the draft EIS. During each round, a meeting will be held in each of the three countries traversed by the project—Fairfax, Prince William and Loudoun. The first round of meetings will occur early in the study to introduce the project to the public, provide a purpose and need, suggest conceptual alternatives, and solicit public input regarding project purpose, need and solutions. The second round of meetings will occur midway in the process when conceptual alternatives have been screened and a higher level of information regarding alternatives and impacts can be presented to the public. The location and times for these meetings has not yet been determined, but this information will be conveyed to the public at the appropriate time by way of a comprehensive public participation program which will include a telephone hotline, press releases, post cards, a web page, and newsletters.

Once a draft EIS is completed, it will be made available to the public for review and comment. Three Location Public Hearings will be held following completion of the draft EIS, one in each county at a location and time to be determined.

To ensure that the full range of issues related to this proposed action are identified and considered, comments and suggestions in response to this Notice of Intent are invited from all interested parties. Comments and questions concerning the proposed action and draft EIS should be directed to FHWA or VDOT at the addresses provided above. There will be several opportunities to provide comments throughout the scoping process, but all comments in response to this notice should be submitted within 30 days of its publication.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction; 20.500, Federal Transit Administration Capital Grants. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this proposed action)

Authority: 23 U.S.C. 315; 49 CFR 1.48

Issued on: February 19, 2002.

Edward S. Sundra,

Senior Environmental Specialist, Federal Highway Administration.

[FR Doc. 02–5516 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Requirement (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collections of information was

published on December 31, 2001 (66 FR 67621).

DATES: Comments must be submitted on or before April 8, 2002.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493–6292), or Dian Deal, Office of Information Technology and Productivity Improvement, RAD–20, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493–6133). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, § 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On December 31, 2001, FRA published a 60-day notice in the **Federal Register** soliciting comment on ICRs that the agency was seeking OMB approval. 66 FR 67621. FRA received no comments in response to this notice.

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30 day notice is published. 44 U.S.C. 3507 (b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30 day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summaries below describe the nature of the information collection requirements (ICRs) and the expected burden. The revised requirements are being submitted for clearance by OMB as required by the PRA.

Title: Passenger Equipment Safety Standards.

OMB Control Number: 2130–0544.

Type of Request: Extension of a currently approved collection.

Affected Public: Businesses.

Form(s): N/A.

Abstract: The information gained from daily inspections is used to detect and correct equipment problems so as to prevent collisions, derailments, and other occurrences involving railroad passenger equipment that cause injury or death to railroad employees, railroad passengers, or to the general public; and to mitigate the consequences of any such occurrences, to the extent that they can not be prevented. The information provided promotes passenger train safety by ensuring requirements are met for railroad passenger equipment design and performance; fire safety; emergency systems; the inspection, testing, and maintenance of passenger equipment; and other provisions for the safe operation of railroad passenger equipment.

Annual Estimated Burden Hours: 84,060.

ADDRESSES: Send comments regarding these information collections to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street, NW., Washington, DC, 20503; Attention: FRA Desk Officer.

Comments are invited on the following: Whether the proposed collections of information are necessary for the proper performance of the functions of FRA, including whether the information will have practical utility; the accuracy of FRA's estimates of the burden of the proposed information collections; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collections of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC, on March 1, 2002.

Kathy A. Weiner,

Director, Office of Information Technology, and Support Systems, Federal Railroad Administration.

[FR Doc. 02–5519 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Preparation of Environmental Impact Statement on North Shore Transit Improvements Between Revere and Salem, MA

AGENCY: Federal Transit Administration (FTA), U.S. Department of Transportation (DOT).

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Federal Transit Administration (FTA) is issuing this notice to advise agencies and the public that, in accordance with the National Environmental Policy Act (NEPA), FTA and the Massachusetts Bay Transportation Authority (MBTA), will prepare an environmental impact statement (EIS) to evaluate transit improvements, including a potential rapid transit service extension, in the North Shore Corridor from Revere to Salem, Massachusetts.

DATES: One public scoping meeting in the City of Lynn will be held in April, 2002. Details as to the specific location, date, and time of the public scoping meeting will be advertised in local newspapers and other media. An interagency scoping meeting will be held on March 27, 2002 in the Volpe National Transportation Systems Center. See **ADDRESSES** below. Written comments on the scope of the EIS, including the alternatives to be considered and the impacts to be studied, may be sent to Stephen M. Woelfel, Project Manager, MBTA, by April 19, 2002. See **ADDRESSES** below.

ADDRESSES: Written comments on the project scope should be sent to Stephen Woelfel, Project Manager, Planning Department, Massachusetts Bay Transportation Authority, Massachusetts Transportation Building, 10 Park Plaza, Boston, MA 02116. Telephone: (617) 222–5237; fax: (617) 222–6181. The interagency scoping meeting will be held on March 27, 2002 at 10 a.m. in the Volpe National Transportation Systems Center, Kendall Square, 55 Broadway, Cambridge, MA 02142. All scoping meetings will be held in wheelchair-accessible locations.

FOR FURTHER INFORMATION CONTACT: Mr. Peter S. Butler, Federal Transit Administration, (617) 494–2729.

SUPPLEMENTARY INFORMATION:

I. Scoping

FTA and MBTA will establish the scope of the EIS for the North Shore Corridor after consulting with Federal, State, and local resource and regulatory

agencies through meetings and correspondence, and after hearing from the general public. Interested individuals, organizations, and agencies are invited to participate in defining the alternatives to be evaluated and related issues of concern. Written comments on the alternatives and potential impacts to be considered should be sent to Stephen Woelfel at the MBTA.

II. Description of Corridor and Transportation Needs

The existing transportation system in the Boston-Salem Corridor consists of a network of limited-access highways, arterials, and local streets as well as various transit services provided by the MBTA.

Roadway Network

There are no major highways that service two primary business communities in this corridor, Lynn and Salem. The local roadways provide poor levels of service. Prior planning efforts to address these accessibility issues have included possible highway connections to the cities of Lynn and Salem. This work has failed to produce viable highway alternatives because of community, environmental, and financial constraints. Limited access to these cities has impacted the ability of residents to reach employment opportunities in Boston, and it has prevented these business centers from reaching their full potential.

Transit Network

The MBTA is the primary provider of mass transit service in this area. This Corridor is serviced by commuter rail along the Eastern Route Main Line that extends from Boston to Newburyport and Rockport. Rapid transit service is provided on the Blue Line between Bowdoin Station in downtown Boston and Wonderland Station in Revere (Blue Line terminus). The MBTA also operates local and express bus routes in this Corridor.

Over the past several years, the MBTA has made a substantial investment in the rehabilitation of the commuter and Blue Line systems. Despite these improvements, public transit has not sufficiently improved mobility within this Corridor, and it holds limited potential to fully address this issue. Further public transportation improvements have been considered through several different planning efforts including the MBTA's current Major Investment Study (MIS). The MIS has been developed around the findings of studies that were completed in the 1990's including the North Shore Transportation Study and the Wonderland Connector Feasibility Study. In the MIS process, a steering committee of municipalities and interest groups has reaffirmed the need, which was identified in these previous studies, for greater access to Boston and the employment centers on the North Shore. Particular attention has focused on the inadequacy of existing services to meet the demand for access to the cities of Lynn and Salem, which are important destination centers within the Corridor. In the case of commuter rail, the current system cannot support higher frequency service, and various bus options may not overcome congestion on the Corridor's roadway network. The MBTA's experience with express bus service in the Corridor suggests that commuters are looking for more frequent and quicker service. Consequently, these cities have identified rapid transit investment as the way to address their transportation limitations and to promote greater economic development opportunities.

The rapid transit investment that has been favored is an extension of Blue Line service from the existing terminus in Revere. It is recognized that the possible rapid transit routes for a Blue Line extension would result in significant environmental impacts, and as such, would require the preparation of an EIS. The EIS will focus on extending rapid transit into the Corridor between Boston and Salem. Accordingly, the study area will be comprised of the following communities: The City of Boston and nine other cities/town including Chelsea, Lynn, Marblehead, Nahant, Revere, Salem, Saugus, Swampscott, and Winthrop.

The MIS, which is currently expected to be completed in June of 2002, will continue to address issues of a regional nature that encompass the entire 32 community study area and all modes of transit. The EIS process is an integral part of the MIS process because it will provide additional detail regarding the Blue Line extension options, which received high ratings and support in the initial MIS screening phases.

III. Alternatives

A preferred alternative has not been selected at this point. The public comment process will provide input into the selection and a preferred alternative will be identified in the Final EIS.

For consideration in the Draft EIS, the FTA and the MBTA propose that the following five alternatives be evaluated:

Alternative 1: No-Action

This Alternative consists of no change to existing facilities in the North Shore Corridor. It serves as the NEPA baseline against which the transportation, environmental, and community impacts of the other alternatives are compared. Existing transportation facilities consist of the MBTA Blue Line and various local and express bus routes. Additionally, the Rockport and Newburyport Commuter Rail Lines provide commuter-oriented service to seventeen stations in the North Shore. Principle highway facilities in the study area include Interstate 95, U.S. Route 1, State Route 128, and State Route 1A. The No Action Alternative further consists of the transportation network contained in the Regional Transportation Plan for the year 2010 in the absence of any other transportation improvements in the study corridor.

Alternative 2: Transportation System Management

This alternative consists of all reasonable cost-effective transit service improvements not requiring major new construction. This alternative includes improvements such as reduced commuter rail headways in off-peak hours, extended service hours and reduced headways for express and local bus service, and other low-cost traffic and transit system upgrades on available streets and highways.

Alternative 3: Blue Line extension to Salem via the Eastern Route Main Line

This alternative involves the extension of the Blue Line from the City of Revere to the City of Salem along the Eastern Route Main Line with a shared use for MBTA commuter rail service.

Alternative 4: Blue Line Extension to Salem via the Narrow Gauge and Eastern Route Main Line Alignment

This Alternative involves the extension of the Blue Line from the City of Revere to the City of Salem utilizing the Boston, Revere Beach & Lynn Narrow Gauge Alignment and the Eastern Route Main Line with a shared use for MBTA commuter rail service;

Alternative 5: Blue Line and Commuter Rail Intermodal Facility

In lieu of a Blue Line extension north to Salem, this alternative involves the construction of a new intermodal facility that would provide a passenger connection between the Blue Line and commuter rail service in the vicinity of the existing Blue Line terminus at Wonderland Station in the City of Revere.

All of the alternatives listed above, as well as other alternatives suggested during scoping, will be considered during the development of the draft EIS. Prior to the completion of the draft EIS, it is expected that a screening process will consider each alternative's potential benefits, costs, and impacts. The EIS will also consider any additional reasonable alternatives identified during scoping that provide similar transportation benefits while reducing or avoiding adverse impacts.

IV. Public Involvement

A comprehensive public involvement program has been developed. The program includes: Outreach to local and county officials and community and civic groups; a public scoping process to define the issues of concern among all parties interested in the project; a public hearing on release of the draft EIS; and development and distribution of project newsletters.

V. Probable Effects and Potential Impacts for Analysis

The FTA and the MBTA will evaluate all environmental, social, and economic impacts of the alternatives analyzed in the EIS. The impact areas to be addressed include: noise and vibration; land use; visual/aesthetic values; ecosystems; cultural and historical resources; water quality, floodplains, and drainage; air quality; traffic and parking; hazardous materials; utilities; energy use and conservation; public safety and security; and community and economic impacts. The EIS will evaluate potential environmental justice issues as well as secondary, cumulative, and construction-related impacts. The need for right-of-way acquisitions and relocations will also be evaluated. Alternative alignments, designs, station locations, and other measures to avoid, minimize, and mitigate adverse impacts will be developed and evaluated.

VI. FTA Procedures

In accordance with FTA policy, all Federal laws, regulations, and executive orders affecting project development, including but not limited to the regulations of the Council on Environmental Quality and FTA implementing NEPA (40 CFR parts 1500–1508, and 23 CFR part 771), the 1990 Clean Air Act Amendments, section 404 of the Clean Water Act, Executive Order 12898 regarding environmental justice, the National Historic Preservation Act, the Endangered Species Act, and section 4(f) of the DOT Act, will be addressed to the maximum extent practicable during the NEPA process. In addition, the MBTA seeks § 5309 New Starts funding for the project and will therefore be subject to the FTA New Starts regulation (49 CFR part 611) which was published in the **Federal Register** on December 7, 2000 (65 FR 76864) and became effective on April 6, 2001. This New Starts regulation requires the submission of certain specified information to FTA to support an MBTA request to initiate preliminary engineering, which is normally done in conjunction with the NEPA process.

Issued on: March 4, 2002.

Richard H. Doyle,

FTA Regional Administrator.

[FR Doc. 02–5637 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Environmental Impact Statement: South Corridor Phase 2 in Sacramento, CA

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of Intent to prepare a Supplemental Environmental Impact Statement (SEIS).

SUMMARY: The Federal Transit Administration (FTA) and the Sacramento Regional Transit District (RT) intend to prepare a Supplemental Environmental Impact Statement (SEIS) in accordance with the National Environmental Policy Act (NEPA) and a Subsequent Environmental Impact Report (SEIR) in accordance with the California Environmental Quality Act (CEQA) for a proposed light rail extension in the South Sacramento Corridor from Meadowview Road to Calvine Road at Auberry Road (Calvine/Auberry).

The proposed light rail transit mode and alignment were selected in 1995 by the RT Board of Directors as the Locally Preferred Alternative (LPA) following completion in 1994 of an Alternatives Analysis/Draft EIS/Draft EIR (AA/DEIS/DEIR) for the South Sacramento Corridor. Seven transit alternatives (including bus, high-occupancy vehicle, and rail modes) with various alignment and station locations were evaluated in the AA/DEIS/DEIR). The LPA was included in the Sacramento Area Council of Government's Metropolitan Transportation Plan.

The LPA (called the *Low/UPRR Alignment* in the AA/DEIS/DEIR) is an 11.5-mile extension to the existing light rail system beginning in downtown Sacramento and extending to Calvine/Auberry. In agreement with FTA, RT planned to build the LPA in phases. Phase 1 is currently under construction and extends light rail from downtown Sacramento for 6.5 miles to Meadowview Road, with seven stations at Broadway, 4th Avenue/Wayne Hultgren, City College, Fruitridge, 47th Avenue, Florin, and Meadowview. Revenue service for Phase 1 is anticipated to begin in September 2003.

The proposed Phase 2 would extend light rail approximately five miles from Meadowview Road to Calvine/Auberry. To date, five stations have been identified at Franklin Boulevard, Center Parkway (optional), Cosumnes River College/College Square, Power Inn Road (optional), and Calvine/Auberry. The proposed Phase 2 light rail extension would follow the Union Pacific Railroad (UPRR) right-of-way south from Meadowview Road, turn east along the proposed extension of Cosumnes River Boulevard, follow the Boulevard to Bruceville Road, turn south along Bruceville Road to serve Cosumnes River College/College Square development, turn east to cross State Route 99, and terminate at a station at Calvine/Auberry.

The SEIS/SEIR will evaluate a No-Action Alternative, a future ''New Starts'' Baseline Alternative, the Phase 2 Light Rail Extension Alternative, and additional alternatives that emerge from the scoping process. Scoping will be accomplished through correspondence and discussions with interested persons; community organizations; federal, state and local agencies; and through public meetings.

DATES: *Comment Due Date:* Written comments on the scope of alternatives and impacts to be considered in the SEIS/SEIR must be received no later than May 15, 2002, and must be sent to RT at the address indicated below.

Scoping Meetings

Public scoping meetings will be held on: (1) March 25, 2002 from 5:30 p.m. to 8:00 p.m. at Cosumnes River College Recital Hall, 8401 Center Parkway, Sacramento, CA 95823 and (2) April 11, 2002 from 5:30 p.m. to 8:00 p.m. at the Pannell Center located at 2450 Meadowview Road, Sacramento, CA 95832. The formal scoping meetings will be preceded by an open house (5:30 to 6:30 pm), allowing for the public to discuss the SEIS/SEIR work scope, process, proposed project, and alternatives with RT staff and consultants. A brief presentation will be given at 6:30 p.m., beginning the formal scoping meeting. Graphic presentations and scoping materials will be provided to assist the public in understanding the

proposed project alternatives. The presentation will focus on the project purposes and alternatives and will be followed by a question and answer period, which will be recorded and transcribed. The open house will then resume until 8:00 p.m. Interested community organizations and the public are invited to attend. A federal, state, and local agency scoping meeting is scheduled for April 11, 2002, from 10:30 a.m. to 12:30 p.m. at RT's Transit Administration Building in the Auditorium located at 1400 29th Street, Sacramento, CA 95816.

Opportunities will be offered during the scoping meetings for comments to be provided either orally during the question and answer period or in writing during the entire scoping comment period.

ADDRESSES: Written comments should be sent to Mr. David M. Melko, Policy and Program Manager, Sacramento Regional Transit District, P.O. Box 2110, Sacramento, CA 95816–2110. Phone: (916) 321–2992. Fax: (916) 444–2156. To be added to the mailing list, contact Ms. Susan Willson, The Hoyt Company, 660 J Street, Suite 444, Sacramento, CA 95814, (916) 448–2440, e-mail address: *swillson@thehoytco.com*. Please specify the mailing list for the South Sacramento Corridor Phase 2 SEIS/SEIR. People with special needs such as sign language interpretation also should contact Susan Willson, as indicated above. The dates and addresses of the scoping meetings are given in the **DATES** section above. All locations are accessible to people with disabilities.

FOR FURTHER INFORMATION CONTACT: To request a scoping information packet, contact Mr. David Melko, Policy and Program Manager, Sacramento Regional Transit District, P.O. Box 2110, Sacramento, CA 95812–2110. Phone: (916) 321–2992. Fax: (916) 444–2156. The Federal agency contact is Mr. Jerome Wiggins, Office of Planning and Program Development, FTA, 201 Mission Street, Room 2210, San Francisco, CA 94105. Phone: (415) 744–3115.

SUPPLEMENTARY INFORMATION:

I. Scoping

The FTA and RT invite all interested individuals and organizations, and federal, state, regional, and local agencies to provide comments on the scope of the project and environmental considerations. The 1994 *Alternatives Analysis/Draft Environmental Impact Statement/Draft Environmental Impact Report* (AA/DEIS/DEIR) is available for public review at the Cosumnes River College Library, 8401 Center Parkway, Sacramento, CA 95823 and at the RT Administration Building, 1400 29th Street, Sacramento, CA 95816. Please contact Mr. Melko to review the copy at RT. Written comments on the project alternatives and potential impacts to be considered should also be sent to Mr. Melko.

II. Purpose and Need

The project purpose is to improve public transit service in the severely congested South Corridor by providing increased transit capacity and faster, convenient access throughout the Sacramento metropolitan region.

As stated in the 1994 AA/DEIS/DEIR, the project's goals are to: (1) Provide a transportation system that is safe, efficient, and coordinated, and that provides a balanced set of travel alternatives in the corridor, (2) ensure compatibility between land use policies and transportation policies so that the need for and amount of travel using automobiles is minimized, (3) provide a transportation system that makes the most efficient use of limited resources, (4) provide a transportation system that enhances and preserves the physical and natural environment, (5) provide a transportation system that is consistent with the needs and desires of the residents of the corridor, and that thereby maximizes community acceptance and political support.

There is a need to alleviate severe and ever-increasing traffic congestion on State Route 99 (SR 99), which currently has recurring traffic congestion (Level of Service F) for one to two hours during both the morning and afternoon commute periods between Calvine and Florin roads. Daily traffic volumes north of Mack Road along SR 99 are expected to increase by 20 to 25 percent over the next 20 years. Between Calvine and Mack Roads, a 40 to 50 percent increase is expected. During the 1990s, SR 99 was widened to accommodate High Occupancy Vehicle (HOV) lanes from Elk Grove Boulevard north to the Sacramento Central City. However, no additional improvements are planned for this section over the next 20 years. The projected increase in traffic volumes will cause congestion on SR 99 to expand to more hours of the day and extend southward to Elk Grove, and this congestion is expected to cause traffic diversions to numerous parallel arterial roadways in the corridor, thereby adding to anticipated congestion levels along these roadways.

III. Alternatives

The SEIS/SEIR will evaluate a No-Action Alternative, a future ''New Starts'' Baseline Alternative (sometimes called the Transportation Systems Management Alternative), and the Phase 2 Light Rail Extension. The alternatives will be developed further during the preparation of the Draft SEIS/SEIR. A brief description of the alternatives is provided below.

No-Action Alternative

This alternative consists of highway and transit systems existing as of year 2000, plus programmed improvements to the year 2025. It includes future conditions against which the transportation, environmental, and community impacts of the other alternatives are compared under NEPA.

Future ''New Starts'' Baseline Alternative

The Baseline Alternative is best described as transit improvements lower in capital cost than the proposed ''Build'' (light rail) Alternative. This alternative is generally the ''best that can be done'' without building the rail project. By definition, this alternative must result in a better ratio of transit mobility measures compared to cost than the No-Action Alternative.

The purpose of the Baseline Alternative is to isolate costs and benefits of the proposed major transit investment. At a minimum, the Baseline Alternative must include in the project corridor all reasonable cost-effective transit improvements short of investment in the light rail project. The New Starts Program is a federal program that provides funds for qualifying bus, rail and other transit-related projects.

Light Rail Alternative

This alternative consists of the construction of a five-mile extension of the light rail system from Meadowview Road to Calvine/Auberry and a supporting feeder bus system. To date, five stations have been identified at Franklin Boulevard, Center Parkway (optional), Cosumnes River College/College Square, Power Inn Road (optional), and Calvine/Auberry. The proposed extension would follow the UPRR right-of-way south from Meadowview Road, turn east along the proposed extension of Cosumnes River Boulevard, follow the Boulevard to Bruceville Road, turn south to serve Cosumnes River College/College Square development, turn east to cross State Route 99, and terminate at a station at Calvine/Auberry. Due to funding constraints, the light rail extension may need to be constructed in phases to one of two possible temporary terminal stations: Franklin Boulevard or Cosumnes River College/College Square. It is assumed that these temporary

terminal stations would be served by bus, express bus, and/or bus rapid transit routes and be supported by park-and-ride facilities.

IV. Probable Effects

The purpose of the SEIS/SEIR is to fully disclose, in advance of any decisions to commit substantial financial or other resources, the environmental consequences of building and operating a major capital investment in the Sacramento South Corridor. The SEIS/SEIR will explore the extent to which study alternatives and design options result in environmental impacts and will discuss actions to reduce or eliminate such impacts. Environmental issues to be examined in the SEIS/SEIR include: changes to the physical environment (biological and cultural resources, air quality, noise/vibration, water quality, floodplains, geology, visual/aesthetics); changes in the social environment (land use, development, business and neighborhood disruptions); changes in traffic and pedestrian circulation; changes in transit service and patronage; associated changes in traffic congestion; and impacts on parklands and historic sites. Impacts will be identified both for the construction period and for the long-term operation of the alternatives. The proposed evaluation criteria include transportation, social economic, and financial measures, as required by current federal (NEPA) and state (CEQA) environmental laws and the implementing regulations of the Council on Environmental Quality, FTA, and the State Office of Planning and Research.

The relationship of the alternatives to other major corridor projects will be evaluated in the SEIS/SEIR. Examples include:

- Cosumnes River Boulevard extension,
- Roadway widenings—Cosumnes River Boulevard and Bruceville Road,
- Floodplain/drainage/levee/floodwall improvements,
- Existing and proposed utitilies in the corridor—major sewer interceptors, possible Freeport Diversion water pipeline,
- Land use developments—College Square, City redevelopment areas, Cosumnes River College plans and improvements,
- UPRR capacity improvements, and
- Master Plan for the County Sanitation District Bufferlands.

To ensure that the full range of issues related to this proposed action will be addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the SEIS/SEIR should be directed to the RT Program Manager as noted in the **ADDRESSES** section above.

V. FTA Procedures

To streamline the NEPA process and to avoid duplication of effort, the agencies involved in the scoping process will consider the results of any previous planning studies or financial feasibility studies (*e.g., Multi-Corridor Study* [RT, 2001] and *Sacramento Systems Planning Study* [RT, 1991]) prepared in support of a decision by the Sacramento Area Council of Governments to include a particular alternative in the Regional Transportation Plan for Metropolitan Sacramento. Prior transportation planning studies may be pertinent to establishing the purpose of and need for the proposed action and the range of alternatives to be evaluated in detail in the SEIS/SEIR. The Draft SEIS/SEIR will be prepared simultaneously with conceptual engineering for the alternatives, including station and alignment options. The Draft SEIS/SEIR process will address the potential use of federal funds for the proposed action, as well as assess the social, economic, and environmental impacts of the alternatives. Station designs and alignment alternatives will be refined to minimize and mitigate any adverse impacts. After publication, the Draft SEIS/SEIR will be available for public and agency review and comments, and (a) public hearing(s) will be held. Based on the Draft SEIS/SEIR and comments received, RT will further refine the preferred alternative identified in the Final SEIS/SEIR and will apply for FTA approval to initiate Preliminary Engineering of the preferred alternative.

Issued March 4, 2002.

F. James Kenna,

Deputy Region IX Administrator.

[FR Doc. 02–5636 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–11737]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel ANOTHER REALITY.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 8, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–11737. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to

properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested.

Name of vessel: ANOTHER REALITY. *Owner:* Edward C. Miller and Margaret A. Miller.

(2) Size, capacity and tonnage of vessel. *According to the applicant:* ''43′ * * * 22 gross tons * * * with a capacity of 10 people.''

(3) Intended use for vessel, including geographic region of intended operation and trade. *According to the applicant:*

* * * I wish to start a part time charter business to take six passengers or less on trips from Key Biscayne Florida to anywhere within a 100 mile north-south trek down to the Dry Tortugas or up to Stuart, Fl. These charters will be eco-tours, sunset cruises, sight seeing tours, snorkeling cruises and taxi services. It will eventually encompass the areas from the panhandle of Florida (around Pensacola) south to the Florida Keys and up the east coast to Maine * * *.

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction:* 1979. *Place of construction:* Taiwan.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. *According to the applicant:*

The waiver for Another Reality should have absolutely no impact on any businesses in any of the areas described above. It is strictly intended to be a part time business (at maximum 3 days a week or less). The majority of small vessel charters in my area are primarily fishing charters which I have no intention of doing.

(6) A statement on the impact this waiver will have on U.S. shipyards. *According to the applicant:*

There will also be no impact on any of the local shipyards. The vessel is 20 years old and has no competition for any currently built ships of its size and type.

Dated: March 4, 2002.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–5641 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–11734]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel FULL CIRCLE.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 8, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–11734. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested.

Name of vessel: FULL CIRCLE. *Owner:* David A. Fors.

(2) Size, capacity and tonnage of vessel. According to the *applicant:* ''The vessel is a 31 ft. Concorde Sport Cruiser, 12 gross tons; 9 net tons * * *.''

(3) Intended use for vessel, including geographic region of intended operation and trade. *According to the applicant:* I intend to use this vessel as a charter fishing boat, home port is Chicago, IL, and to fish the Illinois waters of southern Lake Michigan.''

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction:* 1970. *Place of construction:* Unknown.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. *According to the applicant:*

There are 13 other charter fishing boats operating out of the city of Chicago as of last season. * * * This waiver would have no impact on the other boats, as there are not enough charter boats in Chicago now to handle the business. The charter boats now run between 50 and 125 6hr. trips per season each, depending if they are full time or part time captains. I would be a part time captain, fishing primarilly weekends.

(6) A statement on the impact this waiver will have on U.S. shipyards. *According to the applicant:* ''The waiver would have no impact on U.S. shipyards.''

Dated: March 4, 2002.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–5640 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–11735]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel LADY K.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 8, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–11735. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement:

(1) Name of vessel and owner for which waiver is requested. *Name of vessel:* LADY K. Owner: *Gary E. Meinke.*

(2) Size, capacity and tonnage of vessel. *According to the applicant:*

Length 41′ Breadth 15′ Depth 6′ Capacity—To carry 12 or fewer passengers; Tonnage—Gross 13.5.

(3) Intended use for vessel, including geographic region of intended operation and trade. *According to the applicant:*

The intended use of the vessel is to carry 12 or fewer passengers for day trips. The vessel will be used on Lake Erie.

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction:* 1982. *Place of construction:* Leamington, Ontario, Canada.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. *According to the applicant:*

To the best of my knowledge there will be no adverse effect on other commercial passenger vessel operators in the area. I am not aware of any commercial passenger vessel operators doing the type of trips I plan to make. To my knowledge no one is doing these types of day trips.

(6) A statement on the impact this waiver will have on U.S. shipyards. *According to the applicant:*

To the best of my knowledge the possible impace that my operation will have on U.S. Shipyards is the repair business for my vessel as a result of the approval of this waiver.

Dated: March 4, 2002.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–5639 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–11736]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel SEAFARI 3.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 8, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–11736. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build

requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) Name of vessel and owner for which waiver is requested.

Name of vessel: SEAFARI 3. *Owner:* Todd Duff.

(2) Size, capacity and tonnage of vessel. *According to the applicant:*

Vessel is a Wauquiez 43 ft. sailboat and the dimensions are: Length 43, Breadth 13.6, Depth 5.8, Gross 16, Net 15.

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant:

We intend to use the vessel for occasional ''6 pack'' type captained charters primarily to show kids and young adults nature, and sailing on an introductory level; Showing them our love of the sea and teaching responsibility and self reliance. The regions we intend to operate out of are coastal Eastern Seaboard and Gulf of Mexico * * *

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction:* 1981. *Place of construction:* Mouvaux, France.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. *According to the applicant:*

I believe this waiver will have no impact on existing operators. The only other vessel we know of doing this sort of thing will be working in partnership with us as our directors.

(6) A statement on the impact this waiver will have on U.S. shipyards. *According to the applicant:*

This waiver should have no impact on existing US shipyards.

Dated: March 4, 2002.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–5638 Filed 3–7–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

February 28, 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 April 8, 2002 to be assured of consideration.

Internal Revenue Service

OMB Number: 1545–1765.

Regulation Project Number: REG–119436–01 NPRM and Temporary.

Type of Review: Extension.

Title: New Markets Tax Credit.

Description: The regulations provide guidance for taxpayers claiming the new markets tax credit under section 45D of the Internal Revenue Code. The reporting requirements in the regulations require a qualified community development entity (CDE) to provide written notice to: (1) Any taxpayer who acquires an equity investment in the CDE at its original issue that the equity investment is a qualified equity investment entitling the taxpayer to claim the new markets tax credit; and

(2) each holder of a qualified equity investment, including all prior holders of that investment, that a recapture even has occurred. CDEs must comply with such reporting requirements to the Secretary as the Secretary may prescribe.

Respondents: Business or other for-profit, Not-for-profit institution.

Estimated Number of Respondents/Recordkeepers: 151.

Estimated Burden Hours Per Respondents/Recordkeepers: 2 hours, 30 minutes.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 378 hours.

Clearance Officer: George Freeland, Internal Revenue Service, Room 5577, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Mary A. Able,

Departmental Reports Management Officer.

[FR Doc. 02–5525 Filed 3–7–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Customs Service

Notice of Revocation of Customs Broker License

AGENCY: Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: Pursuant to section 641 of the Tariff Act of 1930 as amended (19 USC 1641) and the Customs Regulations [19 CFR 111.45(a)], the following Customs broker license is revoked by operation of law.

Name	License	Port
Dimerco Express (USA) Corporation	13620	San Francisco.

Dated: March 4, 2002.

Bonni G. Tischler,

Assistant Commissioner, Office of Field Operations.

[FR Doc. 02–5558 Filed 3–7–02; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Federal Law Enforcement Training Center

FLETC—Cheltenham, MD; Notice of Decision—Finding of No Significant Impact

AGENCY: Federal Law Enforcement Training Center, Treasury.

ACTION: Notice of decision—finding of no significant impact.

SUMMARY: Notice is hereby given that the Federal Law Enforcement Training Center (FLETC), pursuant to the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality Regulations for Implementing the National Environmental Policy Act (40 CFR parts 1500–1508), and Department of the Treasury Directive 75–02 (Department of the Treasury Environmental Quality Program), has issued a Finding of No Significant Impact (FONSI) related to the Environmental Assessment (EA) for the renovation of the former Naval Communications Detachment Cheltenham, MD to provide a law enforcement training and requalification facility (FLETC—Cheltenham) for use by a wide variety of federal, state, and local agencies located in the metropolitan Washington, DC area. The proposed action includes demolition and renovation of existing buildings for use as classrooms, simulators, locker facilities, storage, etc., and construction of a free-standing, completely enclosed, environmentally safe indoor firearms training range and an outdoor vehicle training range. Vegetation manipulation will occur for aesthetic purposes, wildlife habitat improvement, wildfire hazard control, and insect/disease reduction.

The EA has been prepared in accordance with NEPA and Department of the Treasury requirements, to determine whether or not significant environmental impacts are anticipated from the Proposed Action and to assess mitigation measures utilized to avoid potential adverse impacts. No substantive comments have been received from the public, community organizations, or agencies following the public comments period for the EA that ended on January 16, 2002. Based on the analysis of the EA, the Department of the Treasury has determined that the proposed development of the FLETC—Cheltenham facility at Cheltenham, Maryland, utilizing the Proposed Action, does not constitute a ''major federal action significantly affecting the quality of the human environment'' when considered individually or cumulatively in the context of the referenced Act, including both direct and indirect impacts. The project will not significantly impact soils, air quality, water resources, vegetation, biological resources, noise, threatened or endangered species or their critical habitat, transportation systems, or the surrounding population. Therefore, a FONSI has been issued for this project, and the preparation of an Environmental Impact Statement is not required.

DATES: The FONSI was signed on March 1, 2002.

ADDRESSES: FLETC—Cheltenham, 9000 Commo Road, Cheltenham, MD 20623–5000.

FOR FURTHER INFORMATION CONTACT: Susan Shaw, NEPA Coordinator/Project Manager, FLETC, at (912) 261–4557. Ms. Shaw's e-mail address is *sshaw@fletc.treas.gov*. Information is also available from Bob Smith, Chief, Cheltenham Operations at (301) 868–5830. Mr. Smith's e-mail address is *rsmith@fletc.treas.gov*.

SUPPLEMENTARY INFORMATION: The Federal Law Enforcement Training Center has a mission of providing high quality, cost-effective training of federal law enforcement personnel. Providing these requalification services in the Washington, DC area will significantly reduce the need for Washington, DC area law enforcement agencies to travel to the FLETC—Glynco, GA facility, reducing associated costs and time demands.

The FLETC—Cheltenham facility is located approximately 15 miles southeast of Washington, DC, in Prince George's County, MD. The facility is situated east of Maryland Route 5 and west of Maryland Route 301, approximately 3 miles south of Andrews Air Force Base.

Authority: The Council on Environmental Quality's National Environmental Policy Act, 40 CFR parts 1500 *et seq.*

Dated: March 1, 2002.

Bruce Bowen,

Assistant Director, Office of Compliance, Federal Law Enforcement Training Center.

[FR Doc. 02–5553 Filed 3–7–02; 8:45 am]

BILLING CODE 4810–32–P

UNITED STATES INSTITUTE OF PEACE

Notice of Meeting

AGENCY: United States Institute of Peace.

DATE/TIME: Thursday, March 21, 2002; 9 a.m.–5 p.m.

LOCATION: 1200 17th Street, NW, Suite 200, Washington, DC 20036.

STATUS: Open Session—Portions may be closed pursuant to Subsection (c) of Section 552(b) of Title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Public Law 98–525.

AGENDA: March 2002 Board Meeting; Approval of Minutes of the One Hundred Third Meeting (January 24, 2002) of the Board of Directors; Chairman's Report; President's Report; Committee Reports; Consideration of fellowship applications and consideration of list of recommended Grants; Other General Issues.

CONTACT: Dr. Sheryl Brown, Director, Office of Communications, Telephone: (202) 457–1700.

Dated: March 4, 2002.

Harriet Hentges,

Executive Vice President, United States Institute of Peace.

[FR Doc. 02–5692 Filed 3–5–02; 4:30 pm]

BILLING CODE 6820–AR–M

DEPARTMENT OF LABOR

Veterans' Employment and Training Service

RIN 1293–AA07

Annual Report From Federal Contractors

AGENCY: Veterans' Employment and Training Service, Department of Labor.

ACTION: Notice; request for comments.

SUMMARY: The Veterans' Employment and Training Service (VETS) is soliciting comments on methodologies for calculating the maximum and minimum number of employees for the Federal Contractor Veterans' Employment Report VETS–100.

DATES: Comments must be received on or before April 8, 2002.

ADDRESSES: Comments should be sent to Norman Lance, Chief, Investigations and Compliance Division, (VETS), by regular mail at the U.S. Department of Labor, Veterans' Employment and Training Service, Federal Contractor Program Comments—Notice, 6101 Stevenson Avenue, Alexandria, VA 22304, or by e-mail at *Lance-Norman@dol.gov*. Written

comments limited to 10 pages or fewer also may be transmitted by facsimile (FAX) at (202) 693–4755. Receipt of submissions, whether by U.S. mail, e-mail or FAX transmittal, will not be acknowledged; however, the sender may request confirmation that a submission has been received, by telephoning VETS at (202) 693–4731 (VOICE), or (800) 670–7008 (TTY/TDD).

FOR FURTHER INFORMATION CONTACT: Norm Lance, Chief, Investigations and Compliance Division, VETS, at (202) 693–4731 or by e-mail at *Lance-Norman@dol.gov.* Individuals with hearing impairments can call (800) 670–7008 (TTY/TDD).

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 4212(d).

Background

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, (VEVRAA) contains affirmative action and reporting requirements for Federal contractors and subcontractors regarding several classes of protected veterans. One VEVRAA requirement is that covered Federal contractors and subcontractors file an annual Federal Contractor Veterans' Employment Report VETS–100 (VETS–100 Report). Prior to 1998 covered contractors were required to show in their VETS–100 report the number of protected veterans in their work force by job category, hiring locations, and number of new hires, including protected veterans hired during the reporting period covered by the report. The amendments to the VETS–100 reporting requirements made by the Veterans Employment Opportunities Act of 1998 (VEOA) included adding the requirement that the maximum number and minimum number of persons employed during the reporting period be included in a VETS–100 Report.

VETS published a Notice of Proposed Rulemaking (65 FR 59684, October 5, 2000) to implement the provisions of the VEOA, including the requirement for reporting the minimum and maximum number of employees. The Notice of Proposed Rulemaking did not contain guidance on how covered contractors were to determine the minimum and maximum number of employees. A commenter asserted that the proposed rule was unclear about when the minimum and maximum number of employees had to be determined, and asked for clarification. To respond to the concerns of the commenter, VETS clarified the regulation language by adding the following language to the final rule:

> The minimum and maximum number of employees reportable at each hiring location during the period covered by the report must be determined as follows: Contractors must review payroll records for each of the pay periods included in the report. The minimum number of employees is the total number of employees paid in the payroll period in which the contractor had the fewest number of employees. The maximum number of employees is the total number of employees paid in the payroll period in which the contractor had the greatest number of employees.

This new language was inserted in section 61–250.10(a)(3), and also in section 61–250.11 under the paragraph entitled ''Maximum and minimum number of employees.'' (66 FR 52004–52005, October 11, 2001).

After publication of the rule, it was brought to the attention of VETS that the revised language might have inadvertently increased the record keeping burden on some contractors because contractors might have difficulty matching up payroll periods, employees, and physical VETS–100 reporting locations in the way contemplated by the final rule. To permit contractors flexibility in how they determine the maximum and minimum number of employees, VETS published an Interim Final Rule (66 FR 65452, December 19, 2001) amending section 61–250.10(a)(3) by withdrawing the above quoted language that specified how contractors were to determine the maximum and minimum number of employees and withdrawing the language quoted above which appears as a paragraph entitled ''Maximum and minimum number of employees'' under section 61–250.11. The basic statutory requirement to report the maximum and minimum number of employees remains.

In the preamble to the interim final rule, VETS requested comments about the methods covered contractors and subcontractors intend to use to calculate the minimum and maximum number of employees. VETS requested this information in order to gain additional information on which to issue guidance or regulations on methodology(s) for contractors to determine the maximum and minimum number of employees. VETS is concerned that the request for comments solely within the preamble to the interim final rule could be overlooked. Consequently, VETS is publishing today's notice reiterating the request for comments about how to determine the maximum and minimum number of employees.

Specifically, VETS requests comments on the methodology contractors would prefer to use to calculate the minimum and maximum number of employees. Additional information including how a methodology interacts with organizational structure, payroll or pay systems for particular types of employers (e.g., nature of industry, single or multiple establishments), and how employees on extended leave of absence are counted, is solicited. Comments on record keeping burden incurred and other information you feel will clarify the process for determining the maximum and minimum number of employees also are requested. VETS will consider this information when preparing guidance or regulations for contractors' future reporting cycles.

Signed at Washington, DC, this 28th day of February, 2002.

Frederico Juarbe, Jr.,

Assistant Secretary of Labor for Veterans' Employment and Training Service.

[FR Doc. 02–5411 Filed 3–7–02; 8:45 am]

BILLING CODE 4510–79–P

Federal Register

Friday,
March 8, 2002

Part II

Department of Labor

Employment and Training Administration

Workforce Investment Act Allotments; Wagner-Peyser Act Preliminary Planning Estimates; Reemployment Services Allotments; and Workforce Information Grants to States for Program Year (PY) 2002; Notice

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Investment Act Allotments; Wagner-Peyser Act Preliminary Planning Estimates; Reemployment Services Allotments; and Workforce Information Grants to States for Program Year (PY) 2002

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This Notice announces states' Workforce Investment Act (WIA) allotments for Program Year (PY) 2002 (July 1, 2002–June 30, 2003) for WIA title I Youth, Adults and Dislocated Worker programs; preliminary planning estimates for public employment service (ES) activities under the Wagner-Peyser Act for PY 2002; Reemployment Services Allotments; and Workforce Information Grants to States for Program Year (PY) 2002. The WIA allotments for states and the planning estimates for public employment service activities are based on formulas defined in their respective statutes. The WIA allotments for the outlying areas are based on a formula determined by the Secretary. As required by WIA section 182(d), on February 17, 2000, a Notice of the discretionary formula for allocating PY 2000 funds for the outlying areas was published in the **Federal Register** at 65 FR 8236 (February 17, 2000). The rationale for the formula and methodology was fully explained in the February 17, 2000, Notice. The formula for PY 2002, like PY 2001, is the same as used for PY 2000 and is described in the section on Youth allotments. Comments are invited upon the formula used to allot funds to the outlying areas.

DATES: Comments must be received by April 8, 2002.

ADDRESSES: Submit written comments to the Employment and Training Administration, Office of Financial and Administrative Management, 200 Constitution Ave, NW., Room N–4702, Washington, DC 20210, Attention: Ms. Sherryl Bailey, 202–693–2813 (phone), 202–693–2859 (fax), e-mail:*sbailey@doleta.gov*. Please be advised that mail delivery in the Washington, DC area has been inconsistent because of concerns about anthrax contamination.

FOR FURTHER INFORMATION CONTACT: WIA Youth Activities allotments: Lorenzo Harrison at 202–693–3528; WIA Adult and Dislocated Worker Employment and Training Activities allotments: John Beverly at 202–693–3502; ES preliminary planning estimates: Gay Gilbert at 202–693–3428. (These are not toll-free numbers.) Information may also be found at the website—*http://usworkforce.org.*

SUPPLEMENTARY INFORMATION: The Department of Labor (DOL or Department) is announcing WIA allotments for PY 2002 (July 1, 2002–June 30, 2003) for Youth Activities, Adults and Dislocated Worker Activities, and Wagner-Peyser Act PY 2002 ES preliminary planning estimates. This document provides information on the amount of funds available during PY 2002 to states with an approved WIA title I and Wagner-Peyser 5–Year Strategic Plan and information regarding allotments to the outlying areas. The allotments and estimates are based on the funds appropriated in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2002, Public Law 107–116, January 10, 2002. Attached is a listing of the PY 2002 allotments for programs under WIA Title I Youth Activities, Adults and Dislocated Workers Employment and Training Activities, and PY 2002 preliminary ES planning estimates under the Wagner-Peyser Act. Final Wagner-Peyser Act allotments for the employment service will be published in the **Federal Register** at a later date.

Youth Activities Allotments. PY 2002 Youth Activities funds under WIA total $1,353,065,000 (including $225.1 million for Youth Opportunity grants). Attachment I contains a breakdown of the $1,127,965,000 in WIA title I Youth Activities program allotments for PY 2002 and provides a comparison of these allotments to PY 2001 Youth Activities allotments for all states, outlying areas, Puerto Rico and the District of Columbia. Before determining the amount available for states, the total available for the outlying areas was reserved at 0.25 percent of the full amount appropriated for Youth Activities, including Youth Opportunity Grants, resulting in $3,382,663, a decrease of $124,750, or 3.6 percent, from the PY 2001 level. WIA section 127(b)(1)(B)(i)(IV) provides that the Freely Associated States (Marshall Islands, Micronesia, and Palau) are not eligible for funding for any program year beginning after September 30, 2001. However, section 3 of Public Law 106–504, (November 13, 2000), supercedes this section of WIA, and provides that the Freely Associated States remain eligible for funding until negotiations on the Compact of Free Association is complete and consideration of legislation pursuant to the Compact is completed. Accordingly, the Freely Associated States are provided funds for PY 2002. The WIA provisions for competitive grants for the outlying areas expired after PY 2001, thus no competitive grant funds are available in PY 2002. The methodology for distributing funds to all outlying areas is not specified by WIA, but is at the Secretary's discretion. The methodology used is the same as used for PY 2001 and PY 2000, i.e., funds are distributed among the areas by formula based on relative share of number of unemployed, a 90 percent hold-harmless of the prior year share, a $75,000 minimum, and a 130 percent stop-gain of the prior year share. Data used for the relative share calculation in the formula were the same as used for PY 2001 and PY 2000 for all outlying areas, essentially using 1995 Census data from special surveys. Updated 2000 special Census data are expected to be available for PY 2003 allotment calculations. The total amount available for Native Americans is 1.5 percent of the total amount for Youth Activities excluding Youth Opportunity Grants, in accordance with WIA section 127. This total is $16,919,475, the same as the PY 2001 Youth Activities level for Native Americans, including the supplemental appropriation. After determining the amount for the outlying areas and Native Americans, the amount available for allotment to the States for PY 2002 is $1,107,662,862, $124,750 more than PY 2001, including the supplemental appropriation. This total amount was above the required $1 billion threshold specified in section 127(b)(1)(C)(iv)(IV); therefore, as in PY 2001, the WIA additional minimum provisions were applied: (1) Minimum 1998 dollar (not percentage) (JTPA II–B and II–C combined) allotment, and (2) 2-tier small State minimum allotment (.3 percent of first $1 billion and .4 percent of amount over $1 billion), rather than .25 percent. These provisions were in addition to the traditional provision of a 90 percent hold-harmless from the prior year allotment percentage. Also, as required by WIA, the provision applying a 130 percent stop-gain of the prior year allotment percentage was used. The three formula factors required in WIA use the following data for the PY 2002 allotments:

(1) The number of unemployed for areas of substantial unemployment (ASU's) are averages for the 12-month period, July 2000 through preliminary June 2001;

(2) The number of excess unemployed individuals or the ASU excess (depending on which is higher) are averages for the same 12-month period used for ASU unemployed data; and

(3) The number of economically disadvantaged youth (age 16 to 21, excluding college students and military) are from the 1990 Census. (2000 Census data are not expected to be available for use until PY 2004 allotment calculations.)

Adult Employment and Training Activities Allotments. The total Adult Employment and Training Activities appropriation is $950,000,000, the same level as PY 2001. Attachment II shows the PY 2002 Adult Employment and Training Activities allotments and comparison to PY 2001 allotments by state. Similarly to the Youth Activities program, the total available for the outlying areas was reserved at 0.25 percent of the full amount appropriated for Adults, or $2,375,000, the same level as PY 2001. As described for Youth Activities above, there are no competitive grants available after PY 2001 for the outlying areas. The Adult Activities funds for grants to all outlying areas, for which the distribution methodology is at the Secretary's discretion, were distributed among the areas by the same principles, formula and data as used for outlying areas for Youth Activities. After determining the amount for the outlying areas, the amount available for allotments to the states is $947,625,000, the same as PY 2001. Unlike the Youth Activities program, the WIA minimum provisions were not applied for the PY 2002 allotments because the total amount available for the states was below the $960 million threshold required for Adults in section 132(b)(1)(B)(iv)(IV). Instead, as required by WIA, the minimum allotments were calculated using the JTPA section 202(a)(3) (as amended by section 701 of the Job Training Reform Amendments of 1992) minimums of 90 percent hold-harmless of the prior year allotment percentage and 0.25 percent state minimum floor. Also, like the Youth Activities program, a provision applying a 130 percent stop-gain of the prior year allotment percentage was used. The three formula factors use the same data as used for the Youth Activities formula, except that data from the 1990 Census for the number of economically disadvantaged adults (age 22 to 72, excluding college students and military) were used. (2000 Census data are not expected to be available for use until PY 2004 allotment calculations.)

Dislocated Worker Employment and Training Activities Allotments. The total Dislocated Worker appropriation is $1,549,000,000, a decrease of $41,040,000, or 2.6 percent, from the PY 2001 pre-rescission level. The total appropriation includes 80 percent allotted by formula to the states, while 20 percent is retained for National Emergency Grants, technical assistance and training, demonstration projects, and for the outlying areas' Dislocated Worker allotments. Attachment III shows the PY 2002 Dislocated Worker Activities fund allotments by state. Like the Youth and Adults programs, the total available for the outlying areas was reserved at 0.25 percent of the full amount appropriated for Dislocated Worker Activities, resulting in $3,872,500, a decrease of $102,600 from PY 2001. As described for Youth Activities above, there are no competitive grants available after PY 2001 for the outlying areas. The Dislocated Worker Activities funds for grants to all outlying areas, for which the distribution methodology is at the Secretary's discretion, were distributed among the areas by the same pro rata share as the areas received for the PY 2002 WIA Adult Activities program, the same methodology used in PY 2001. The amount available for allotments to the states is eighty percent of the Dislocated Worker appropriation, or $1,239,232,000, a decrease of 2.6 percent from PY 2001 pre-rescission level. Since the Dislocated Worker Activities formula has no floor amount or hold-harmless provisions, funding changes for states directly reflect the impact of changes in number of unemployed. The three formula factors required in WIA use the following data for the PY 2002 allotments:

(1) The number of unemployed are averages for the 12-month period, October 2000 through September 2001; (2) The number of excess unemployed are averages for the 12-month period, October 2000 through September 2001; and (3) The number of long-term unemployed are averages for calendar year 2000.

Wagner-Peyser Act Employment Service Preliminary Planning Estimates. The public employment service (ES) program involves a Federal-State partnership between the U.S. Department of Labor and the State Workforce Agencies. Under the Wagner-Peyser Act, funds are allotted to each state to administer a labor exchange program responding to the needs of the state's employers and workers through a system of local employment services offices that are part of the One-Stop service delivery system established by the state. Attachment IV shows the ES preliminary planning estimates for PY 2002. These preliminary planning estimates have been produced using the formula set forth at section 6 of the Wagner-Peyser Act, 29 U.S.C. 49e. They are based on monthly averages for each state's share of the civilian labor force (CLF) and unemployment for the 12 months ending September 2001. Final allotments will be published in the **Federal Register**, based on calendar year 2001 data, as required by the Wagner-Peyser Act. State planning estimates reflect $16,000,000, or 2.1 percent of the total amount appropriated, which is being withheld from distribution to states to finance postage costs associated with the conduct of Wagner-Peyser Act labor exchange services for PY 2002. The Secretary of Labor is required to set aside up to three percent of the total available funds to assure that each state will have sufficient resources to maintain statewide employment service activities, as required under section 6(b)(4) of the Wagner-Peyser Act. In accordance with this provision, the three percent set-aside funds, or $22,372,050, are included in the total planning estimate. The set-aside funds are distributed in two steps to states that have lost in relative share of resources from the previous year. In Step 1, states that have a CLF below one million and are also below the median CLF density are maintained at 100 percent of their relative share of prior year resources. All remaining set-aside funds are distributed on a pro-rata basis in Step 2 to all other states losing in relative share from the prior year but not meeting the size and density criteria for Step 1. Under Wagner-Peyser Act section 7, ten percent of the total sums allotted to each state shall be reserved for use by the Governor to provide performance incentives for public ES offices; services for groups with special needs; and for the extra costs of exemplary models for delivering job services.

Reemployment Services Allotments. The purpose of these funds is to ensure that all Unemployment Insurance (UI) claimants receive the necessary services to become re-employed. The total funds available for PY 2002 are $35 million, the same as in PY 2001. The allocation figures for the distribution of the $35 million in Reemployment Services funds for each state for PY 2002 are listed in Attachment V. The remaining funds were allocated using the following method: each State received $215,000; the remaining funds were distributed using each state's share of first payments for FY 2001 to UI claimants. There will be a slight increase in funds to the states this year as there was no deduction in PY 2002 for an evaluation of services provided through these funds. Guidance on the use of these funds will be provided in a separate Training and Employment Guidance Letter (TEGL).

Workforce Information Grants to States. Total PY 2002 funding for Workforce Information Grants to States is $38,000,000, the same as for PY 2001. The allotment figures for each state are listed in Attachment VI. Funds are allocated by formula to the fifty states, the District of Columbia, Guam, Puerto Rico and the Virgin Islands. Part of the allotment formula is based on the relative share of the CLF for each entity. Slight year-to-year changes in the size of the CLF in each area resulted in insignificant increases and decreases to PY 2002 allotments, as compared to PY 2001 allotments. Guidance on the use of these funds will be provided in a separate TEGL.

Signed at Washington, DC, this 1st day of March, 2002.

Emily Stover DeRocco,

Assistant Secretary for Employment and Training.

WIA YOUTH ACTIVITIES STATE ALLOTMENTS COMPARISON OF PY 2002 VS PY 2001

State	PY 2001 with supplemental	PY 2002	Difference	Percent change
Total	$1,127,965,000	$1,127,965,000	$0	0.00
Alabama	19,306,056	20,901,613	1,595,557	8.26
Alaska	4,198,343	4,059,320	(139,023)	−3.31
Arizona	20,089,561	18,724,084	(1,365,477)	−6.80
Arkansas	10,919,626	10,968,513	48,887	0.45
California	181,546,639	174,352,954	(7,193,685)	−3.96
Colorado	7,246,178	7,246,178	0	0.00
Connecticut	9,511,625	9,511,625	0	0.00
Delaware	3,430,152	3,430,651	499	0.01
District of Columbia	4,593,113	4,134,267	(458,846)	−9.99
Florida	41,077,500	40,269,848	(807,652)	−1.97
Georgia	23,057,280	20,753,889	(2,303,391)	−9.99
Hawaii	6,131,624	5,519,083	(612,541)	−9.99
Idaho	4,294,868	4,707,720	412,852	9.61
Illinois	50,048,681	57,523,690	7,475,009	14.94
Indiana	13,604,901	13,604,901	0	0.00
Iowa	4,026,670	4,026,670	0	0.00
Kansas	4,761,627	6,190,812	1,429,185	30.01
Kentucky	17,117,753	17,117,753	0	0.00
Louisiana	23,291,397	27,488,847	4,197,450	18.02
Maine	3,835,799	3,835,799	0	0.00
Maryland	13,983,445	13,734,681	(248,764)	−1.78
Massachusetts	16,005,091	16,005,091	0	0.00
Michigan	29,775,388	38,712,364	8,936,976	30.01
Minnesota	9,941,839	11,286,720	1,344,881	13.53
Mississippi	17,838,009	17,273,760	(564,249)	−3.16
Missouri	14,918,738	15,939,667	1,020,929	6.84
Montana	4,273,845	4,029,740	(244,105)	−5.71
Nebraska	3,430,152	3,430,651	499	0.01
Nevada	4,522,685	4,983,868	461,183	10.20
New Hampshire	3,430,152	3,430,651	499	0.01
New Jersey	29,273,666	29,273,666	0	0.00
New Mexico	10,733,667	10,371,230	(362,437)	−3.38
New York	87,084,035	78,384,460	(8,699,575)	−9.99
North Carolina	18,056,932	23,476,656	5,419,724	30.01
North Dakota	3,430,152	3,430,651	499	0.01
Ohio	50,629,664	46,654,314	(3,975,350)	−7.85
Oklahoma	10,473,505	9,427,216	(1,046,289)	−9.99
Oregon	15,006,340	13,507,227	(1,499,113)	−9.99
Pennsylvania	38,152,152	39,258,866	1,106,714	2.90
Puerto Rico	59,290,102	55,047,926	(4,242,176)	−7.15
Rhode Island	3,430,152	3,430,651	499	0.01
South Carolina	14,935,516	14,935,516	0	0.00
South Dakota	3,430,152	3,430,651	499	0.01
Tennessee	19,487,876	21,110,535	1,622,659	8.33
Texas	101,450,596	91,315,821	(10,134,775)	−9.99
Utah	3,430,152	3,803,175	373,023	10.87
Vermont	3,430,152	3,430,651	499	0.01
Virginia	16,534,311	16,534,311	0	0.00
Washington	23,883,828	30,638,767	6,754,939	28.28
West Virginia	11,778,246	10,601,615	(1,176,631)	−9.99
Wisconsin	9,978,027	12,972,896	2,994,869	30.01
Wyoming	3,430,152	3,430,651	499	0.01
State Total	1,107,538,112	1,107,662,862	124,750	0.01
American Samoa	142,207	132,755	(9,452)	−6.65
Guam	1,389,988	1,297,603	(92,385)	−6.65
Marshall Islands	224,640	300,725	76,085	33.87
Micronesia	399,522	534,840	135,318	33.87
Northern Marianas	156,051	208,905	52,854	33.87
Palau	82,150	76,690	(5,460)	−6.65
Virgin Islands	890,320	831,145	(59,175)	−6.65

WIA YOUTH ACTIVITIES STATE ALLOTMENTS COMPARISON OF PY 2002 VS PY 2001—Continued

State	PY 2001 with supplemental	PY 2002	Difference	Percent change
Outlying Areas Competitive	222,535	0	(222,535)	−100.00
Outlying Areas Total	3,507,413	3,382,663	(124,750)	−3.56
Native Americans	16,919,475	16,919,475	0	0.00

WIA ADULT ACTIVITIES STATE ALLOTMENTS COMPARISON OF PY 2002 VS PY 2001

State	PY 2001	PY 2002	Difference	Percent change
Total	$950,000,000	$950,000,000	$0	0.00
Alabama	17,044,406	18,567,668	1,523,262	8.94
Alaska	3,728,842	3,627,608	(101,234)	−2.71
Arizona	17,399,189	16,247,051	(1,152,138)	−6.62
Arkansas	9,622,728	9,708,232	85,504	0.89
California	156,375,879	150,741,436	(5,634,443)	−3.60
Colorado	5,768,432	5,191,589	(576,843)	−10.00
Connecticut	6,737,675	6,063,908	(673,767)	−10.00
Delaware	2,369,063	2,369,063	0	0.00
District of Columbia	3,971,309	3,574,178	(397,131)	−10.00
Florida	37,761,854	35,800,688	(1,961,166)	−5.19
Georgia	20,011,763	18,010,587	(2,001,176)	−10.00
Hawaii	5,444,869	4,900,382	(544,487)	−10.00
Idaho	3,712,935	4,104,687	391,752	10.55
Illinois	44,094,693	51,107,313	7,012,620	15.90
Indiana	10,825,762	9,743,186	(1,082,576)	−10.00
Iowa	2,888,253	3,199,888	311,635	10.79
Kansas	4,279,240	5,563,012	1,283,772	30.00
Kentucky	15,183,245	14,391,853	(791,392)	−5.21
Louisiana	20,294,120	24,177,060	3,882,940	19.13
Maine	3,301,438	2,971,294	(330,144)	−10.00
Maryland	12,196,915	12,516,336	319,421	2.62
Massachusetts	11,235,182	10,111,664	(1,123,518)	−10.00
Michigan	24,550,144	31,915,187	7,365,043	30.00
Minnesota	7,827,789	9,926,238	2,098,449	26.81
Mississippi	14,744,150	14,484,593	(259,557)	−1.76
Missouri	12,359,685	14,329,577	1,969,892	15.94
Montana	3,956,587	3,753,106	(203,481)	−5.14
Nebraska	2,369,063	2,369,063	0	0.00
Nevada	4,007,022	4,455,812	448,790	11.20
New Hampshire	2,369,063	2,369,063	0	0.00
New Jersey	20,938,883	18,844,995	(2,093,888)	−10.00
New Mexico	9,393,723	8,870,823	(522,900)	−5.57
New York	80,628,707	72,565,836	(8,062,871)	−10.00
North Carolina	16,154,303	21,000,594	4,846,291	30.00
North Dakota	2,369,063	2,369,063	0	0.00
Ohio	45,060,208	41,709,042	(3,351,166)	−7.44
Oklahoma	9,235,649	8,312,084	(923,565)	−10.00
Oregon	13,460,527	12,114,474	(1,346,053)	−10.00
Pennsylvania	30,818,747	36,183,794	5,365,047	17.41
Puerto Rico	52,746,321	49,163,463	(3,582,858)	−6.79
Rhode Island	2,369,063	2,369,063	0	0.00
South Carolina	12,698,373	11,428,536	(1,269,837)	−10.00
South Dakota	2,369,063	2,369,063	0	0.00
Tennessee	16,306,939	19,078,725	2,771,786	17.00
Texas	86,576,669	77,919,002	(8,657,667)	−10.00
Utah	2,478,475	2,871,770	393,295	15.87
Vermont	2,369,063	2,369,063	0	0.00
Virginia	12,478,418	11,230,576	(1,247,842)	−10.00
Washington	21,031,292	27,274,610	6,243,318	29.69
West Virginia	10,558,659	9,502,793	(1,055,866)	−10.00
Wisconsin	8,782,497	11,417,246	2,634,749	30.00
Wyoming	2,369,063	2,369,063	0	0.00
State Total	947,625,000	947,625,000	0	0.00
American Samoa	112,713	115,594	2,881	2.56
Guam	443,439	499,361	55,922	12.61
Marshall Islands	239,400	245,520	6,120	2.56
Micronesia	420,122	473,102	52,980	12.61
Northern Marianas	199,536	295,587	96,051	48.14
Palau	75,000	76,917	1,917	2.56
Virgin Islands	594,010	668,919	74,909	12.61
Outlying Areas Competitive	290,780	0	(290,780)	−100.00

WIA ADULT ACTIVITIES STATE ALLOTMENTS COMPARISON OF PY 2002 VS PY 2001—Continued

State	PY 2001	PY 2002	Difference	Percent change
Outlying Areas Total	2,375,000	2,375,000	0	0.00

WIA DISLOCATED WORKER ACTIVITIES STATE ALLOTMENTS COMPARISON OF PY 2002 VS PY 2001

State	PY 2001 (Pre-rescission)	PY 2002	Difference	Percent change
Total	$1,590,040,000	$1,549,000,000	($41,040,000)	−2.58
Alabama	15,068,548	22,896,931	7,828,383	51.95
Alaska	11,395,001	9,671,503	(1,723,498)	−15.13
Arizona	12,879,316	12,606,123	(273,193)	−2.12
Arkansas	7,103,656	7,550,450	446,794	6.29
California	273,391,437	218,507,541	(54,883,896)	−20.08
Colorado	8,255,862	7,378,805	(877,057)	−10.62
Connecticut	7,406,982	5,384,702	(2,022,280)	−27.30
Delaware	2,184,617	2,554,637	370,020	16.94
District of Columbia	8,433,959	8,837,081	403,122	4.78
Florida	39,311,417	40,106,859	795,442	2.02
Georgia	20,930,127	19,039,241	(1,890,886)	−9.03
Hawaii	6,477,632	4,243,014	(2,234,618)	−34.50
Idaho	3,898,217	6,382,042	2,483,825	63.72
Illinois	41,575,303	91,853,295	50,277,992	120.93
Indiana	10,682,428	12,270,152	1,587,724	14.86
Iowa	5,437,368	4,837,782	(599,586)	−11.03
Kansas	5,502,565	6,395,111	892,546	16.22
Kentucky	11,735,435	11,215,137	(520,298)	−4.43
Louisiana	23,158,418	44,343,903	21,185,485	91.48
Maine	3,214,945	3,368,375	153,430	4.77
Maryland	17,559,765	16,962,636	(597,129)	−3.40
Massachusetts	15,134,353	12,321,163	(2,813,190)	−18.59
Michigan	21,932,071	27,662,181	5,730,110	26.13
Minnesota	10,473,235	11,439,858	966,623	9.23
Mississippi	30,701,477	19,710,556	(10,990,921)	−35.80
Missouri	12,374,521	15,805,346	3,430,825	27.72
Montana	7,084,638	3,291,112	(3,793,526)	−53.55
Nebraska	2,997,707	2,775,031	(222,676)	−7.43
Nevada	5,334,057	6,647,377	1,313,320	24.62
New Hampshire	1,877,882	2,261,165	383,283	20.41
New Jersey	30,498,439	26,515,582	(3,982,857)	−13.06
New Mexico	21,923,521	17,696,491	(4,227,030)	−19.28
New York	105,559,534	67,370,751	(38,188,783)	−36.18
North Carolina	16,959,265	27,209,712	10,250,447	60.44
North Dakota	1,279,725	1,198,337	(81,388)	−6.36
Ohio	34,309,127	34,226,768	(82,359)	−0.24
Oklahoma	6,561,865	6,478,067	(83,798)	−1.28
Oregon	28,811,913	29,731,969	920,056	3.19
Pennsylvania	38,706,830	41,663,107	2,956,277	7.64
Puerto Rico	166,101,676	122,346,374	(43,755,302)	−26.34
Rhode Island	2,885,714	2,680,620	(205,094)	−7.11
South Carolina	11,936,257	11,995,901	59,644	0.50
South Dakota	1,283,809	985,071	(298,738)	−23.27
Tennessee	12,771,543	13,927,456	1,155,913	9.05
Texas	63,747,179	59,784,453	(3,962,726)	−6.22
Utah	4,430,131	4,334,469	(95,662)	−2.16
Vermont	1,240,882	1,306,794	65,912	5.31
Virginia	12,424,713	11,111,364	(1,313,349)	−10.57
Washington	27,119,437	68,485,602	41,366,165	152.53
West Virginia	25,423,973	15,231,628	(10,192,345)	−40.09
Wisconsin	12,880,353	15,314,830	2,434,477	18.90
Wyoming	1,663,175	1,285,545	(377,630)	−22.71
State Total	1,272,032,000	1,239,200,000	(32,832,000)	−2.58
American Samoa	188,651	188,479	(172)	−0.09
Guam	742,196	814,221	72,025	9.70
Marshall Islands	400,690	400,327	(363)	−0.09
Micronesia	703,169	771,405	68,236	9.70
Northern Marianas	333,969	481,963	147,994	44.31
Palau	125,530	125,415	(115)	−0.09
Virgin Islands	994,210	1,090,690	96,480	9.70
Outlying Area Competitive Grants	486,685	0	(486,685)	−100.00
Outlying Area Total	3,975,100	3,872,500	(102,600)	−2.58

WIA DISLOCATED WORKER ACTIVITIES STATE ALLOTMENTS COMPARISON OF PY 2002 VS PY 2001—Continued

State	PY 2001 (Pre-rescission)	PY 2002	Difference	Percent change
National Reserve	314,032,900	305,927,500	(8,105,400)	−2.58

EMPLOYMENT SERVICE (WAGNER-PEYSER) ALLOTMENTS COMPARISON OF PY 2002 PRELIMINARY VS PY 2001 FINAL

State	PY 2001 final	PY 2002 preliminary	Difference	Percent change
Total	$761,735,000	$761,735,000	$0	0.00
Alabama	10,959,154	10,930,782	(28,372)	−0.26
Alaska	8,106,495	8,106,495	0	0.00
Arizona	11,647,788	11,604,306	(43,482)	−0.37
Arkansas	6,349,907	6,306,071	(43,836)	−0.69
California	89,216,633	88,768,436	(448,197)	−0.50
Colorado	10,324,433	10,245,432	(79,001)	−0.77
Connecticut	8,314,954	8,060,259	(254,695)	−3.06
Delaware	2,082,968	2,082,968	0	0.00
District of Columbia	3,391,931	3,288,033	(103,898)	−3.06
Florida	35,254,594	36,054,686	800,092	2.27
Georgia	19,718,441	19,593,183	(125,258)	−0.64
Hawaii	3,220,552	3,142,472	(78,080)	−2.42
Idaho	6,754,153	6,754,153	0	0.00
Illinois	31,998,185	32,608,982	610,797	1.91
Indiana	14,316,804	14,196,089	(120,715)	−0.84
Iowa	6,980,905	6,915,792	(65,113)	−0.93
Kansas	6,671,747	6,658,405	(13,342)	−0.20
Kentucky	9,820,530	9,784,586	(35,944)	−0.37
Louisiana	11,075,973	11,000,879	(75,094)	−0.68
Maine	4,016,631	4,016,631	0	0.00
Maryland	13,703,736	13,595,498	(108,238)	−0.79
Massachusetts	15,324,703	15,144,482	(180,221)	−1.18
Michigan	24,357,510	25,655,401	1,297,891	5.33
Minnesota	12,471,659	12,607,881	136,222	1.09
Mississippi	7,309,108	7,150,544	(158,564)	−2.17
Missouri	13,680,091	13,779,347	99,256	0.73
Montana	5,519,529	5,519,529	0	0.00
Nebraska	6,633,389	6,633,389	0	0.00
Nevada	5,365,563	5,277,141	(88,422)	−1.65
New Hampshire	2,993,664	2,988,940	(4,724)	−0.16
New Jersey	21,130,170	20,852,518	(277,652)	−1.31
New Mexico	6,193,882	6,193,882	0	0.00
New York	47,277,511	46,369,325	(908,186)	−1.92
North Carolina	18,608,828	19,702,435	1,093,607	5.88
North Dakota	5,620,532	5,620,532	0	0.00
Ohio	28,306,057	28,189,402	(116,655)	−0.41
Oklahoma	8,125,646	7,894,524	(231,122)	−2.84
Oregon	9,557,836	9,487,200	(70,636)	−0.74
Pennsylvania	30,125,489	30,019,064	(106,425)	−0.35
Puerto Rico	10,329,110	10,103,210	(225,900)	−2.19
Rhode Island	2,594,102	2,553,652	(40,450)	−1.56
South Carolina	9,751,496	9,724,715	(26,781)	−0.27
South Dakota	5,194,663	5,194,663	0	0.00
Tennessee	13,719,435	13,693,371	(26,064)	−0.19
Texas	51,499,427	51,334,767	(164,660)	−0.32
Utah	10,215,650	9,902,734	(312,916)	−3.06
Vermont	2,433,477	2,433,477	0	0.00
Virginia	15,820,479	15,736,646	(83,833)	−0.53
Washington	16,179,605	16,209,660	30,055	0.19
West Virginia	5,945,805	5,945,805	0	0.00
Wisconsin	13,675,955	14,254,511	578,556	4.23
Wyoming	4,030,272	4,030,272	0	0.00
State Total	743,917,157	743,917,157	0	0.00
Guam	348,947	348,947	0	0.00
Virgin Islands	1,468,896	1,468,896	0	0.00
Postage	16,000,000	16,000,000	0	0.00

REEMPLOYMENT SERVICES ALLOTMENTS COMPARISON OF PY 2002 VS PY 2001

State	PY 2001	PY 2002	Difference	Percent change
Total	$35,000,000	$35,000,000	$0	0.00
Alabama	651,266	630,119	(21,147)	−3.25
Alaska	365,535	328,839	(36,696)	−10.04
Arizona	451,604	465,550	13,946	3.09
Arkansas	475,622	486,834	11,212	2.36
California	3,575,611	3,286,723	(288,888)	−8.08
Colorado	390,985	413,399	22,414	5.73
Connecticut	557,130	559,475	2,345	0.42
Delaware	303,789	285,842	(17,947)	−5.91
District of Columbia	270,930	262,811	(8,119)	−3.00
Florida	967,082	955,823	(11,259)	−1.16
Georgia	772,024	865,434	93,410	12.10
Hawaii	307,688	289,505	(18,183)	−5.91
Idaho	367,014	352,667	(14,347)	−3.91
Illinois	1,229,548	1,257,198	27,650	2.25
Indiana	605,890	713,494	107,604	17.76
Iowa	486,492	496,513	10,021	2.06
Kansas	384,490	391,468	6,978	1.81
Kentucky	569,752	577,750	7,998	1.40
Louisiana	451,286	427,581	(23,705)	−5.25
Maine	306,568	299,184	(7,384)	−2.41
Maryland	533,854	502,689	(31,165)	−5.84
Massachusetts	806,916	812,241	5,325	0.66
Michigan	1,329,035	1,494,113	165,078	12.42
Minnesota	567,105	591,759	24,654	4.35
Mississippi	406,318	418,667	12,349	3.04
Missouri	667,578	645,625	(21,953)	−3.29
Montana	300,549	284,097	(16,452)	−5.47
Nebraska	303,924	306,795	2,871	0.94
Nevada	438,513	408,158	(30,355)	−6.92
New Hampshire	259,911	275,008	15,097	5.81
New Jersey	1,052,705	947,406	(105,299)	−10.00
New Mexico	311,391	299,076	(12,315)	−39.5
New York	1,614,071	1,626,347	12,276	0.76
North Carolina	1,014,309	1,117,194	102,885	10.14
North Dakota	255,006	248,538	(6,468)	−2.54
Ohio	1,006,822	1,104,374	97,552	9.69
Oklahoma	345,993	357,719	11,726	3.39
Oregon	708,351	686,626	(21,725)	−3.07
Pennsylvania	1,544,115	1,514,175	(29,940)	−1.94
Puerto Rico	611,784	547,033	(64,751)	−10.58
Rhode Island	344,700	322,539	(22,161)	−6.43
South Carolina	537,436	592,943	55,507	10.33
South Dakota	240,703	241,992	1,289	0.54
Tennessee	773,101	793,961	20,860	2.70
Texas	1,328,296	1,311,777	(16,519)	−1.24
Utah	349,335	351,075	1,740	0.50
Vermont	272,692	270,142	(2,550)	−0.94
Virgin Islands	218,872	218,774	(98)	−0.04
Virginia	532,666	551,293	18,627	3.50
Washington	901,029	856,127	(44,902)	−4.98
West Virginia	374,349	351,524	(22,825)	−6.10
Wisconsin	958,471	1,008,827	50,356	5.25
Wyoming	249,794	245,177	(4,617)	−1.85
State Total	34,650,000	34,650,000	0	0.00
Reserve	350,000	350,000	0	0.00

WORKFORCE INFORMATION GRANTS TO STATES COMPARISON OF PY 2002 VS PY 2001

State	PY 2001	PY 2002	Difference	Percent change
Total	$38,000,000	$38,000,000	$0	0.00
Alabama	618,961	615,467	(3,494)	−0.56
Alaska	334,067	333,082	(985)	−0.29
Arizona	653,519	660,644	7,125	−0.09
Arkansas	478,432	477,041	(1,391)	−0.29
California	2,941,713	2,948,593	6,880	0.23
Colorado	642,148	643,436	1,288	0.20
Connecticut	551,662	544,272	(7,390)	−0.34
Delaware	347,918	346,723	(1,195)	−0.34

WORKFORCE INFORMATION GRANTS TO STATES COMPARISON OF PY 2002 VS PY 2001—Continued

State	PY 2001	PY 2002	Difference	Percent change
District of Columbia	326,810	325,186	(1,624)	−0.50
Florida	1,459,745	1,478,885	19,140	1.31
Georgia	930,201	923,001	(7,200)	−0.77
Hawaii	375,913	376,048	135	0.04
Idaho	386,621	388,791	2,170	0.56
Illinois	1,264,690	1,252,163	(12,527)	−0.99
Indiana	761,616	758,085	(3,531)	−0.46
Iowa	525,362	528,771	3,409	0.65
Kansas	506,904	502,144	(4,760)	−0.94
Kentucky	590,550	588,413	(2,137)	−0.36
Louisiana	599,209	596,796	(2,413)	0.40
Maine	389,902	387,937	(1,965)	−0.50
Maryland	726,672	721,961	(4,711)	−0.65
Massachusetts	792,615	794,878	2,263	0.29
Michigan	1,088,586	1,082,369	(6,217)	−0.57
Minnesota	714,254	714,447	193	0.03
Mississippi	486,228	484,006	(2,222)	−0.46
Missouri	739,013	732,722	(6,291)	−0.85
Montana	357,655	355,457	(2,198)	−0.61
Nebraska	429,591	427,840	(1,751)	−0.41
Nevada	439,128	443,615	4,487	1.02
New Hampshire	390,642	390,223	(419)	−0.11
New Jersey	938,983	933,670	(5,313)	−0.57
New Mexico	414,200	413,924	(276)	−0.07
New York	1,669,359	1,644,015	(25,344)	−0.52
North Carolina	897,707	898,050	343	0.04
North Dakota	336,378	334,743	(1,635)	−0.49
Ohio	1,191,106	1,184,810	(6,296)	−0.53
Oklahoma	538,258	541,239	2,981	0.55
Oregon	559,304	554,850	(4,454)	−0.80
Pennsylvania	1,209,409	1,208,800	(609)	−0.05
Puerto Rico	483,717	482,894	(823)	−0.17
Rhode Island	362,046	360,182	(1,864)	−0.51
South Carolina	593,292	589,601	(3,691)	−0.62
South Dakota	345,961	345,412	(549)	−0.16
Tennessee	725,224	722,937	(2,287)	−0.32
Texas	1,893,749	1,911,463	17,714	0.94
Utah	457,463	457,333	(130)	−0.03
Vermont	336,671	335,917	(754)	−0.22
Virginia	850,361	857,293	6,932	0.82
Washington	759,936	742,462	(17,474)	-2.30
West Virginia	408,977	406,441	(2,536)	−0.62
Wisconsin	749,875	747,781	(2,094)	−0.28
Wyoming	324,838	324,516	(322)	−0.10
State Total	36,897,141	36,821,328	(75,813)	−0.21
Guam	68,274	68,236	(38)	−0.06
Virgin Islands	122,585	122,436	(149)	−0.12
Postage	912,000	988,000	76,000	8.33

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BILLING CODE 4510–30–P

Federal Register

Friday,
March 8, 2002

Part II

Department of Labor

Employment and Training Administration

Workforce Investment Act Allotments; Wagner-Peyser Act Preliminary Planning Estimates; Reemployment Services Allotments; and Workforce Information Grants to States for Program Year (PY) 2002; Notice

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Investment Act Allotments; Wagner-Peyser Act Preliminary Planning Estimates; Reemployment Services Allotments; and Workforce Information Grants to States for Program Year (PY) 2002

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This Notice announces states' Workforce Investment Act (WIA) allotments for Program Year (PY) 2002 (July 1, 2002–June 30, 2003) for WIA title I Youth, Adults and Dislocated Worker programs; preliminary planning estimates for public employment service (ES) activities under the Wagner-Peyser Act for PY 2002; Reemployment Services Allotments; and Workforce Information Grants to States for Program Year (PY) 2002. The WIA allotments for states and the planning estimates for public employment service activities are based on formulas defined in their respective statutes. The WIA allotments for the outlying areas are based on a formula determined by the Secretary. As required by WIA section 182(d), on February 17, 2000, a Notice of the discretionary formula for allocating PY 2000 funds for the outlying areas was published in the **Federal Register** at 65 FR 8236 (February 17, 2000). The rationale for the formula and methodology was fully explained in the February 17, 2000, Notice. The formula for PY 2002, like PY 2001, is the same as used for PY 2000 and is described in the section on Youth allotments. Comments are invited upon the formula used to allot funds to the outlying areas.

DATES: Comments must be received by April 8, 2002.

ADDRESSES: Submit written comments to the Employment and Training Administration, Office of Financial and Administrative Management, 200 Constitution Ave, NW., Room N–4702, Washington, DC 20210, Attention: Ms. Sherryl Bailey, 202–693–2813 (phone), 202–693–2859 (fax), e-mail:*sbailey@doleta.gov*. Please be advised that mail delivery in the Washington, DC area has been inconsistent because of concerns about anthrax contamination.

FOR FURTHER INFORMATION CONTACT: WIA Youth Activities allotments: Lorenzo Harrison at 202–693–3528; WIA Adult and Dislocated Worker Employment and Training Activities allotments: John Beverly at 202–693–3502; ES preliminary planning estimates: Gay Gilbert at 202–693–3428. (These are not toll-free numbers.) Information may also be found at the website—*http://usworkforce.org.*

SUPPLEMENTARY INFORMATION: The Department of Labor (DOL or Department) is announcing WIA allotments for PY 2002 (July 1, 2002–June 30, 2003) for Youth Activities, Adults and Dislocated Worker Activities, and Wagner-Peyser Act PY 2002 ES preliminary planning estimates. This document provides information on the amount of funds available during PY 2002 to states with an approved WIA title I and Wagner-Peyser 5–Year Strategic Plan and information regarding allotments to the outlying areas. The allotments and estimates are based on the funds appropriated in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2002, Public Law 107–116, January 10, 2002. Attached is a listing of the PY 2002 allotments for programs under WIA Title I Youth Activities, Adults and Dislocated Workers Employment and Training Activities, and PY 2002 preliminary ES planning estimates under the Wagner-Peyser Act. Final Wagner-Peyser Act allotments for the employment service will be published in the **Federal Register** at a later date.

Youth Activities Allotments. PY 2002 Youth Activities funds under WIA total $1,353,065,000 (including $225.1 million for Youth Opportunity grants). Attachment I contains a breakdown of the $1,127,965,000 in WIA title I Youth Activities program allotments for PY 2002 and provides a comparison of these allotments to PY 2001 Youth Activities allotments for all states, outlying areas, Puerto Rico and the District of Columbia. Before determining the amount available for states, the total available for the outlying areas was reserved at 0.25 percent of the full amount appropriated for Youth Activities, including Youth Opportunity Grants, resulting in $3,382,663, a decrease of $124,750, or 3.6 percent, from the PY 2001 level. WIA section 127(b)(1)(B)(i)(IV) provides that the Freely Associated States (Marshall Islands, Micronesia, and Palau) are not eligible for funding for any program year beginning after September 30, 2001. However, section 3 of Public Law 106–504, (November 13, 2000), supercedes this section of WIA, and provides that the Freely Associated States remain eligible for funding until negotiations on the Compact of Free Association is complete and consideration of legislation pursuant to the Compact is completed. Accordingly, the Freely Associated States are provided funds for PY 2002. The WIA provisions for competitive grants for the outlying areas expired after PY 2001, thus no competitive grant funds are available in PY 2002. The methodology for distributing funds to all outlying areas is not specified by WIA, but is at the Secretary's discretion. The methodology used is the same as used for PY 2001 and PY 2000, i.e., funds are distributed among the areas by formula based on relative share of number of unemployed, a 90 percent hold-harmless of the prior year share, a $75,000 minimum, and a 130 percent stop-gain of the prior year share. Data used for the relative share calculation in the formula were the same as used for PY 2001 and PY 2000 for all outlying areas, essentially using 1995 Census data from special surveys. Updated 2000 special Census data are expected to be available for PY 2003 allotment calculations. The total amount available for Native Americans is 1.5 percent of the total amount for Youth Activities excluding Youth Opportunity Grants, in accordance with WIA section 127. This total is $16,919,475, the same as the PY 2001 Youth Activities level for Native Americans, including the supplemental appropriation. After determining the amount for the outlying areas and Native Americans, the amount available for allotment to the States for PY 2002 is $1,107,662,862, $124,750 more than PY 2001, including the supplemental appropriation. This total amount was above the required $1 billion threshold specified in section 127(b)(1)(C)(iv)(IV); therefore, as in PY 2001, the WIA additional minimum provisions were applied: (1) Minimum 1998 dollar (not percentage) (JTPA II–B and II–C combined) allotment, and (2) 2-tier small State minimum allotment (.3 percent of first $1 billion and .4 percent of amount over $1 billion), rather than .25 percent. These provisions were in addition to the traditional provision of a 90 percent hold-harmless from the prior year allotment percentage. Also, as required by WIA, the provision applying a 130 percent stop-gain of the prior year allotment percentage was used. The three formula factors required in WIA use the following data for the PY 2002 allotments:

(1) The number of unemployed for areas of substantial unemployment (ASU's) are averages for the 12-month period, July 2000 through preliminary June 2001;

(2) The number of excess unemployed individuals or the ASU excess (depending on which is higher) are averages for the same 12-month period used for ASU unemployed data; and

(3) The number of economically disadvantaged youth (age 16 to 21, excluding college students and military) are from the 1990 Census. (2000 Census data are not expected to be available for use until PY 2004 allotment calculations.)

Adult Employment and Training Activities Allotments. The total Adult Employment and Training Activities appropriation is $950,000,000, the same level as PY 2001. Attachment II shows the PY 2002 Adult Employment and Training Activities allotments and comparison to PY 2001 allotments by state. Similarly to the Youth Activities program, the total available for the outlying areas was reserved at 0.25 percent of the full amount appropriated for Adults, or $2,375,000, the same level as PY 2001. As described for Youth Activities above, there are no competitive grants available after PY 2001 for the outlying areas. The Adult Activities funds for grants to all outlying areas, for which the distribution methodology is at the Secretary's discretion, were distributed among the areas by the same principles, formula and data as used for outlying areas for Youth Activities. After determining the amount for the outlying areas, the amount available for allotments to the states is $947,625,000, the same as PY 2001. Unlike the Youth Activities program, the WIA minimum provisions were not applied for the PY 2002 allotments because the total amount available for the states was below the $960 million threshold required for Adults in section 132(b)(1)(B)(iv)(IV). Instead, as required by WIA, the minimum allotments were calculated using the JTPA section 202(a)(3) (as amended by section 701 of the Job Training Reform Amendments of 1992) minimums of 90 percent hold-harmless of the prior year allotment percentage and 0.25 percent state minimum floor. Also, like the Youth Activities program, a provision applying a 130 percent stop-gain of the prior year allotment percentage was used. The three formula factors use the same data as used for the Youth Activities formula, except that data from the 1990 Census for the number of economically disadvantaged adults (age 22 to 72, excluding college students and military) were used. (2000 Census data are not expected to be available for use until PY 2004 allotment calculations.)

Dislocated Worker Employment and Training Activities Allotments. The total Dislocated Worker appropriation is $1,549,000,000, a decrease of $41,040,000, or 2.6 percent, from the PY 2001 pre-rescission level. The total appropriation includes 80 percent allotted by formula to the states, while 20 percent is retained for National Emergency Grants, technical assistance and training, demonstration projects, and for the outlying areas' Dislocated Worker allotments. Attachment III shows the PY 2002 Dislocated Worker Activities fund allotments by state. Like the Youth and Adults programs, the total available for the outlying areas was reserved at 0.25 percent of the full amount appropriated for Dislocated Worker Activities, resulting in $3,872,500, a decrease of $102,600 from PY 2001. As described for Youth Activities above, there are no competitive grants available after PY 2001 for the outlying areas. The Dislocated Worker Activities funds for grants to all outlying areas, for which the distribution methodology is at the Secretary's discretion, were distributed among the areas by the same pro rata share as the areas received for the PY 2002 WIA Adult Activities program, the same methodology used in PY 2001. The amount available for allotments to the states is eighty percent of the Dislocated Worker appropriation, or $1,239,232,000, a decrease of 2.6 percent from PY 2001 pre-rescission level. Since the Dislocated Worker Activities formula has no floor amount or hold-harmless provisions, funding changes for states directly reflect the impact of changes in number of unemployed. The three formula factors required in WIA use the following data for the PY 2002 allotments:

(1) The number of unemployed are averages for the 12-month period, October 2000 through September 2001; (2) The number of excess unemployed are averages for the 12-month period, October 2000 through September 2001; and (3) The number of long-term unemployed are averages for calendar year 2000.

Wagner-Peyser Act Employment Service Preliminary Planning Estimates. The public employment service (ES) program involves a Federal-State partnership between the U.S. Department of Labor and the State Workforce Agencies. Under the Wagner-Peyser Act, funds are allotted to each state to administer a labor exchange program responding to the needs of the state's employers and workers through a system of local employment services offices that are part of the One-Stop service delivery system established by the state. Attachment IV shows the ES preliminary planning estimates for PY 2002. These preliminary planning estimates have been produced using the formula set forth at section 6 of the Wagner-Peyser Act, 29 U.S.C. 49e. They are based on monthly averages for each state's share of the civilian labor force (CLF) and unemployment for the 12 months ending September 2001. Final allotments will be published in the **Federal Register**, based on calendar year 2001 data, as required by the Wagner-Peyser Act. State planning estimates reflect $16,000,000, or 2.1 percent of the total amount appropriated, which is being withheld from distribution to states to finance postage costs associated with the conduct of Wagner-Peyser Act labor exchange services for PY 2002. The Secretary of Labor is required to set aside up to three percent of the total available funds to assure that each state will have sufficient resources to maintain statewide employment service activities, as required under section 6(b)(4) of the Wagner-Peyser Act. In accordance with this provision, the three percent set-aside funds, or $22,372,050, are included in the total planning estimate. The set-aside funds are distributed in two steps to states that have lost in relative share of resources from the previous year. In Step 1, states that have a CLF below one million and are also below the median CLF density are maintained at 100 percent of their relative share of prior year resources. All remaining set-aside funds are distributed on a pro-rata basis in Step 2 to all other states losing in relative share from the prior year but not meeting the size and density criteria for Step 1. Under Wagner-Peyser Act section 7, ten percent of the total sums allotted to each state shall be reserved for use by the Governor to provide performance incentives for public ES offices; services for groups with special needs; and for the extra costs of exemplary models for delivering job services.

Reemployment Services Allotments. The purpose of these funds is to ensure that all Unemployment Insurance (UI) claimants receive the necessary services to become re-employed. The total funds available for PY 2002 are $35 million, the same as in PY 2001. The allocation figures for the distribution of the $35 million in Reemployment Services funds for each state for PY 2002 are listed in Attachment V. The remaining funds were allocated using the following method: each State received $215,000; the remaining funds were distributed using each state's share of first payments for FY 2001 to UI claimants. There will be a slight increase in funds to the states this year as there was no deduction in PY 2002 for an evaluation of services provided through these funds. Guidance on the use of these funds will be provided in a separate Training and Employment Guidance Letter (TEGL).

Workforce Information Grants to States. Total PY 2002 funding for Workforce Information Grants to States is $38,000,000, the same as for PY 2001. The allotment figures for each state are listed in Attachment VI. Funds are allocated by formula to the fifty states, the District of Columbia, Guam, Puerto Rico and the Virgin Islands. Part of the allotment formula is based on the relative share of the CLF for each entity. Slight year-to-year changes in the size of the CLF in each area resulted in insignificant increases and decreases to PY 2002 allotments, as compared to PY 2001 allotments. Guidance on the use of these funds will be provided in a separate TEGL.

Signed at Washington, DC, this 1st day of March, 2002.

Emily Stover DeRocco,

Assistant Secretary for Employment and Training.

WIA YOUTH ACTIVITIES STATE ALLOTMENTS COMPARISON OF PY 2002 VS PY 2001

State	PY 2001 with supplemental	PY 2002	Difference	Percent change
Total	$1,127,965,000	$1,127,965,000	$0	0.00
Alabama	19,306,056	20,901,613	1,595,557	8.26
Alaska	4,198,343	4,059,320	(139,023)	−3.31
Arizona	20,089,561	18,724,084	(1,365,477)	−6.80
Arkansas	10,919,626	10,968,513	48,887	0.45
California	181,546,639	174,352,954	(7,193,685)	−3.96
Colorado	7,246,178	7,246,178	0	0.00
Connecticut	9,511,625	9,511,625	0	0.00
Delaware	3,430,152	3,430,651	499	0.01
District of Columbia	4,593,113	4,134,267	(458,846)	−9.99
Florida	41,077,500	40,269,848	(807,652)	−1.97
Georgia	23,057,280	20,753,889	(2,303,391)	−9.99
Hawaii	6,131,624	5,519,083	(612,541)	−9.99
Idaho	4,294,868	4,707,720	412,852	9.61
Illinois	50,048,681	57,523,690	7,475,009	14.94
Indiana	13,604,901	13,604,901	0	0.00
Iowa	4,026,670	4,026,670	0	0.00
Kansas	4,761,627	6,190,812	1,429,185	30.01
Kentucky	17,117,753	17,117,753	0	0.00
Louisiana	23,291,397	27,488,847	4,197,450	18.02
Maine	3,835,799	3,835,799	0	0.00
Maryland	13,983,445	13,734,681	(248,764)	−1.78
Massachusetts	16,005,091	16,005,091	0	0.00
Michigan	29,775,388	38,712,364	8,936,976	30.01
Minnesota	9,941,839	11,286,720	1,344,881	13.53
Mississippi	17,838,009	17,273,760	(564,249)	−3.16
Missouri	14,918,738	15,939,667	1,020,929	6.84
Montana	4,273,845	4,029,740	(244,105)	−5.71
Nebraska	3,430,152	3,430,651	499	0.01
Nevada	4,522,685	4,983,868	461,183	10.20
New Hampshire	3,430,152	3,430,651	499	0.01
New Jersey	29,273,666	29,273,666	0	0.00
New Mexico	10,733,667	10,371,230	(362,437)	−3.38
New York	87,084,035	78,384,460	(8,699,575)	−9.99
North Carolina	18,056,932	23,476,656	5,419,724	30.01
North Dakota	3,430,152	3,430,651	499	0.01
Ohio	50,629,664	46,654,314	(3,975,350)	−7.85
Oklahoma	10,473,505	9,427,216	(1,046,289)	−9.99
Oregon	15,006,340	13,507,227	(1,499,113)	−9.99
Pennsylvania	38,152,152	39,258,866	1,106,714	2.90
Puerto Rico	59,290,102	55,047,926	(4,242,176)	−7.15
Rhode Island	3,430,152	3,430,651	499	0.01
South Carolina	14,935,516	14,935,516	0	0.00
South Dakota	3,430,152	3,430,651	499	0.01
Tennessee	19,487,876	21,110,535	1,622,659	8.33
Texas	101,450,596	91,315,821	(10,134,775)	−9.99
Utah	3,430,152	3,803,175	373,023	10.87
Vermont	3,430,152	3,430,651	499	0.01
Virginia	16,534,311	16,534,311	0	0.00
Washington	23,883,828	30,638,767	6,754,939	28.28
West Virginia	11,778,246	10,601,615	(1,176,631)	−9.99
Wisconsin	9,978,027	12,972,896	2,994,869	30.01
Wyoming	3,430,152	3,430,651	499	0.01
State Total	1,107,538,112	1,107,662,862	124,750	0.01
American Samoa	142,207	132,755	(9,452)	−6.65
Guam	1,389,988	1,297,603	(92,385)	−6.65
Marshall Islands	224,640	300,725	76,085	33.87
Micronesia	399,522	534,840	135,318	33.87
Northern Marianas	156,051	208,905	52,854	33.87
Palau	82,150	76,690	(5,460)	−6.65
Virgin Islands	890,320	831,145	(59,175)	−6.65

WIA YOUTH ACTIVITIES STATE ALLOTMENTS COMPARISON OF PY 2002 VS PY 2001—Continued

State	PY 2001 with supplemental	PY 2002	Difference	Percent change
Outlying Areas Competitive	222,535	0	(222,535)	−100.00
Outlying Areas Total	3,507,413	3,382,663	(124,750)	−3.56
Native Americans	16,919,475	16,919,475	0	0.00

WIA ADULT ACTIVITIES STATE ALLOTMENTS COMPARISON OF PY 2002 VS PY 2001

State	PY 2001	PY 2002	Difference	Percent change
Total	$950,000,000	$950,000,000	$0	0.00
Alabama	17,044,406	18,567,668	1,523,262	8.94
Alaska	3,728,842	3,627,608	(101,234)	−2.71
Arizona	17,399,189	16,247,051	(1,152,138)	−6.62
Arkansas	9,622,728	9,708,232	85,504	0.89
California	156,375,879	150,741,436	(5,634,443)	−3.60
Colorado	5,768,432	5,191,589	(576,843)	−10.00
Connecticut	6,737,675	6,063,908	(673,767)	−10.00
Delaware	2,369,063	2,369,063	0	0.00
District of Columbia	3,971,309	3,574,178	(397,131)	−10.00
Florida	37,761,854	35,800,688	(1,961,166)	−5.19
Georgia	20,011,763	18,010,587	(2,001,176)	−10.00
Hawaii	5,444,869	4,900,382	(544,487)	−10.00
Idaho	3,712,935	4,104,687	391,752	10.55
Illinois	44,094,693	51,107,313	7,012,620	15.90
Indiana	10,825,762	9,743,186	(1,082,576)	−10.00
Iowa	2,888,253	3,199,888	311,635	10.79
Kansas	4,279,240	5,563,012	1,283,772	30.00
Kentucky	15,183,245	14,391,853	(791,392)	−5.21
Louisiana	20,294,120	24,177,060	3,882,940	19.13
Maine	3,301,438	2,971,294	(330,144)	−10.00
Maryland	12,196,915	12,516,336	319,421	2.62
Massachusetts	11,235,182	10,111,664	(1,123,518)	−10.00
Michigan	24,550,144	31,915,187	7,365,043	30.00
Minnesota	7,827,789	9,926,238	2,098,449	26.81
Mississippi	14,744,150	14,484,593	(259,557)	−1.76
Missouri	12,359,685	14,329,577	1,969,892	15.94
Montana	3,956,587	3,753,106	(203,481)	−5.14
Nebraska	2,369,063	2,369,063	0	0.00
Nevada	4,007,022	4,455,812	448,790	11.20
New Hampshire	2,369,063	2,369,063	0	0.00
New Jersey	20,938,883	18,844,995	(2,093,888)	−10.00
New Mexico	9,393,723	8,870,823	(522,900)	−5.57
New York	80,628,707	72,565,836	(8,062,871)	−10.00
North Carolina	16,154,303	21,000,594	4,846,291	30.00
North Dakota	2,369,063	2,369,063	0	0.00
Ohio	45,060,208	41,709,042	(3,351,166)	−7.44
Oklahoma	9,235,649	8,312,084	(923,565)	−10.00
Oregon	13,460,527	12,114,474	(1,346,053)	−10.00
Pennsylvania	30,818,747	36,183,794	5,365,047	17.41
Puerto Rico	52,746,321	49,163,463	(3,582,858)	−6.79
Rhode Island	2,369,063	2,369,063	0	0.00
South Carolina	12,698,373	11,428,536	(1,269,837)	−10.00
South Dakota	2,369,063	2,369,063	0	0.00
Tennessee	16,306,939	19,078,725	2,771,786	17.00
Texas	86,576,669	77,919,002	(8,657,667)	−10.00
Utah	2,478,475	2,871,770	393,295	15.87
Vermont	2,369,063	2,369,063	0	0.00
Virginia	12,478,418	11,230,576	(1,247,842)	−10.00
Washington	21,031,292	27,274,610	6,243,318	29.69
West Virginia	10,558,659	9,502,793	(1,055,866)	−10.00
Wisconsin	8,782,497	11,417,246	2,634,749	30.00
Wyoming	2,369,063	2,369,063	0	0.00
State Total	947,625,000	947,625,000	0	0.00
American Samoa	112,713	115,594	2,881	2.56
Guam	443,439	499,361	55,922	12.61
Marshall Islands	239,400	245,520	6,120	2.56
Micronesia	420,122	473,102	52,980	12.61
Northern Marianas	199,536	295,587	96,051	48.14
Palau	75,000	76,917	1,917	2.56
Virgin Islands	594,010	668,919	74,909	12.61
Outlying Areas Competitive	290,780	0	(290,780)	−100.00

WIA ADULT ACTIVITIES STATE ALLOTMENTS COMPARISON OF PY 2002 VS PY 2001—Continued

State	PY 2001	PY 2002	Difference	Percent change
Outlying Areas Total	2,375,000	2,375,000	0	0.00

WIA DISLOCATED WORKER ACTIVITIES STATE ALLOTMENTS COMPARISON OF PY 2002 VS PY 2001

State	PY 2001 (Pre-rescission)	PY 2002	Difference	Percent change
Total	$1,590,040,000	$1,549,000,000	($41,040,000)	−2.58
Alabama	15,068,548	22,896,931	7,828,383	51.95
Alaska	11,395,001	9,671,503	(1,723,498)	−15.13
Arizona	12,879,316	12,606,123	(273,193)	−2.12
Arkansas	7,103,656	7,550,450	446,794	6.29
California	273,391,437	218,507,541	(54,883,896)	−20.08
Colorado	8,255,862	7,378,805	(877,057)	−10.62
Connecticut	7,406,982	5,384,702	(2,022,280)	−27.30
Delaware	2,184,617	2,554,637	370,020	16.94
District of Columbia	8,433,959	8,837,081	403,122	4.78
Florida	39,311,417	40,106,859	795,442	2.02
Georgia	20,930,127	19,039,241	(1,890,886)	−9.03
Hawaii	6,477,632	4,243,014	(2,234,618)	−34.50
Idaho	3,898,217	6,382,042	2,483,825	63.72
Illinois	41,575,303	91,853,295	50,277,992	120.93
Indiana	10,682,428	12,270,152	1,587,724	14.86
Iowa	5,437,368	4,837,782	(599,586)	−11.03
Kansas	5,502,565	6,395,111	892,546	16.22
Kentucky	11,735,435	11,215,137	(520,298)	−4.43
Louisiana	23,158,418	44,343,903	21,185,485	91.48
Maine	3,214,945	3,368,375	153,430	4.77
Maryland	17,559,765	16,962,636	(597,129)	−3.40
Massachusetts	15,134,353	12,321,163	(2,813,190)	−18.59
Michigan	21,932,071	27,662,181	5,730,110	26.13
Minnesota	10,473,235	11,439,858	966,623	9.23
Mississippi	30,701,477	19,710,556	(10,990,921)	−35.80
Missouri	12,374,521	15,805,346	3,430,825	27.72
Montana	7,084,638	3,291,112	(3,793,526)	−53.55
Nebraska	2,997,707	2,775,031	(222,676)	−7.43
Nevada	5,334,057	6,647,377	1,313,320	24.62
New Hampshire	1,877,882	2,261,165	383,283	20.41
New Jersey	30,498,439	26,515,582	(3,982,857)	−13.06
New Mexico	21,923,521	17,696,491	(4,227,030)	−19.28
New York	105,559,534	67,370,751	(38,188,783)	−36.18
North Carolina	16,959,265	27,209,712	10,250,447	60.44
North Dakota	1,279,725	1,198,337	(81,388)	−6.36
Ohio	34,309,127	34,226,768	(82,359)	−0.24
Oklahoma	6,561,865	6,478,067	(83,798)	−1.28
Oregon	28,811,913	29,731,969	920,056	3.19
Pennsylvania	38,706,830	41,663,107	2,956,277	7.64
Puerto Rico	166,101,676	122,346,374	(43,755,302)	−26.34
Rhode Island	2,885,714	2,680,620	(205,094)	−7.11
South Carolina	11,936,257	11,995,901	59,644	0.50
South Dakota	1,283,809	985,071	(298,738)	−23.27
Tennessee	12,771,543	13,927,456	1,155,913	9.05
Texas	63,747,179	59,784,453	(3,962,726)	−6.22
Utah	4,430,131	4,334,469	(95,662)	−2.16
Vermont	1,240,882	1,306,794	65,912	5.31
Virginia	12,424,713	11,111,364	(1,313,349)	−10.57
Washington	27,119,437	68,485,602	41,366,165	152.53
West Virginia	25,423,973	15,231,628	(10,192,345)	−40.09
Wisconsin	12,880,353	15,314,830	2,434,477	18.90
Wyoming	1,663,175	1,285,545	(377,630)	−22.71
State Total	1,272,032,000	1,239,200,000	(32,832,000)	−2.58
American Samoa	188,651	188,479	(172)	−0.09
Guam	742,196	814,221	72,025	9.70
Marshall Islands	400,690	400,327	(363)	−0.09
Micronesia	703,169	771,405	68,236	9.70
Northern Marianas	333,969	481,963	147,994	44.31
Palau	125,530	125,415	(115)	−0.09
Virgin Islands	994,210	1,090,690	96,480	9.70
Outlying Area Competitive Grants	486,685	0	(486,685)	−100.00
Outlying Area Total	3,975,100	3,872,500	(102,600)	−2.58

WIA DISLOCATED WORKER ACTIVITIES STATE ALLOTMENTS COMPARISON OF PY 2002 VS PY 2001—Continued

State	PY 2001 (Pre-rescission)	PY 2002	Difference	Percent change
National Reserve	314,032,900	305,927,500	(8,105,400)	−2.58

EMPLOYMENT SERVICE (WAGNER-PEYSER) ALLOTMENTS COMPARISON OF PY 2002 PRELIMINARY VS PY 2001 FINAL

State	PY 2001 final	PY 2002 preliminary	Difference	Percent change
Total	$761,735,000	$761,735,000	$0	0.00
Alabama	10,959,154	10,930,782	(28,372)	−0.26
Alaska	8,106,495	8,106,495	0	0.00
Arizona	11,647,788	11,604,306	(43,482)	−0.37
Arkansas	6,349,907	6,306,071	(43,836)	−0.69
California	89,216,633	88,768,436	(448,197)	−0.50
Colorado	10,324,433	10,245,432	(79,001)	−0.77
Connecticut	8,314,954	8,060,259	(254,695)	−3.06
Delaware	2,082,968	2,082,968	0	0.00
District of Columbia	3,391,931	3,288,033	(103,898)	−3.06
Florida	35,254,594	36,054,686	800,092	2.27
Georgia	19,718,441	19,593,183	(125,258)	−0.64
Hawaii	3,220,552	3,142,472	(78,080)	−2.42
Idaho	6,754,153	6,754,153	0	0.00
Illinois	31,998,185	32,608,982	610,797	1.91
Indiana	14,316,804	14,196,089	(120,715)	−0.84
Iowa	6,980,905	6,915,792	(65,113)	−0.93
Kansas	6,671,747	6,658,405	(13,342)	−0.20
Kentucky	9,820,530	9,784,586	(35,944)	−0.37
Louisiana	11,075,973	11,000,879	(75,094)	−0.68
Maine	4,016,631	4,016,631	0	0.00
Maryland	13,703,736	13,595,498	(108,238)	−0.79
Massachusetts	15,324,703	15,144,482	(180,221)	−1.18
Michigan	24,357,510	25,655,401	1,297,891	5.33
Minnesota	12,471,659	12,607,881	136,222	1.09
Mississippi	7,309,108	7,150,544	(158,564)	−2.17
Missouri	13,680,091	13,779,347	99,256	0.73
Montana	5,519,529	5,519,529	0	0.00
Nebraska	6,633,389	6,633,389	0	0.00
Nevada	5,365,563	5,277,141	(88,422)	−1.65
New Hampshire	2,993,664	2,988,940	(4,724)	−0.16
New Jersey	21,130,170	20,852,518	(277,652)	−1.31
New Mexico	6,193,882	6,193,882	0	0.00
New York	47,277,511	46,369,325	(908,186)	−1.92
North Carolina	18,608,828	19,702,435	1,093,607	5.88
North Dakota	5,620,532	5,620,532	0	0.00
Ohio	28,306,057	28,189,402	(116,655)	−0.41
Oklahoma	8,125,646	7,894,524	(231,122)	−2.84
Oregon	9,557,836	9,487,200	(70,636)	−0.74
Pennsylvania	30,125,489	30,019,064	(106,425)	−0.35
Puerto Rico	10,329,110	10,103,210	(225,900)	−2.19
Rhode Island	2,594,102	2,553,652	(40,450)	−1.56
South Carolina	9,751,496	9,724,715	(26,781)	−0.27
South Dakota	5,194,663	5,194,663	0	0.00
Tennessee	13,719,435	13,693,371	(26,064)	−0.19
Texas	51,499,427	51,334,767	(164,660)	−0.32
Utah	10,215,650	9,902,734	(312,916)	−3.06
Vermont	2,433,477	2,433,477	0	0.00
Virginia	15,820,479	15,736,646	(83,833)	−0.53
Washington	16,179,605	16,209,660	30,055	0.19
West Virginia	5,945,805	5,945,805	0	0.00
Wisconsin	13,675,955	14,254,511	578,556	4.23
Wyoming	4,030,272	4,030,272	0	0.00
State Total	743,917,157	743,917,157	0	0.00
Guam	348,947	348,947	0	0.00
Virgin Islands	1,468,896	1,468,896	0	0.00
Postage	16,000,000	16,000,000	0	0.00

REEMPLOYMENT SERVICES ALLOTMENTS COMPARISON OF PY 2002 VS PY 2001

State	PY 2001	PY 2002	Difference	Percent change
Total	$35,000,000	$35,000,000	$0	0.00
Alabama	651,266	630,119	(21,147)	−3.25
Alaska	365,535	328,839	(36,696)	−10.04
Arizona	451,604	465,550	13,946	3.09
Arkansas	475,622	486,834	11,212	2.36
California	3,575,611	3,286,723	(288,888)	−8.08
Colorado	390,985	413,399	22,414	5.73
Connecticut	557,130	559,475	2,345	0.42
Delaware	303,789	285,842	(17,947)	−5.91
District of Columbia	270,930	262,811	(8,119)	−3.00
Florida	967,082	955,823	(11,259)	−1.16
Georgia	772,024	865,434	93,410	12.10
Hawaii	307,688	289,505	(18,183)	−5.91
Idaho	367,014	352,667	(14,347)	−3.91
Illinois	1,229,548	1,257,198	27,650	2.25
Indiana	605,890	713,494	107,604	17.76
Iowa	486,492	496,513	10,021	2.06
Kansas	384,490	391,468	6,978	1.81
Kentucky	569,752	577,750	7,998	1.40
Louisiana	451,286	427,581	(23,705)	−5.25
Maine	306,568	299,184	(7,384)	−2.41
Maryland	533,854	502,689	(31,165)	−5.84
Massachusetts	806,916	812,241	5,325	0.66
Michigan	1,329,035	1,494,113	165,078	12.42
Minnesota	567,105	591,759	24,654	4.35
Mississippi	406,318	418,667	12,349	3.04
Missouri	667,578	645,625	(21,953)	−3.29
Montana	300,549	284,097	(16,452)	−5.47
Nebraska	303,924	306,795	2,871	0.94
Nevada	438,513	408,158	(30,355)	−6.92
New Hampshire	259,911	275,008	15,097	5.81
New Jersey	1,052,705	947,406	(105,299)	−10.00
New Mexico	311,391	299,076	(12,315)	−39.5
New York	1,614,071	1,626,347	12,276	0.76
North Carolina	1,014,309	1,117,194	102,885	10.14
North Dakota	255,006	248,538	(6,468)	−2.54
Ohio	1,006,822	1,104,374	97,552	9.69
Oklahoma	345,993	357,719	11,726	3.39
Oregon	708,351	686,626	(21,725)	−3.07
Pennsylvania	1,544,115	1,514,175	(29,940)	−1.94
Puerto Rico	611,784	547,033	(64,751)	−10.58
Rhode Island	344,700	322,539	(22,161)	−6.43
South Carolina	537,436	592,943	55,507	10.33
South Dakota	240,703	241,992	1,289	0.54
Tennessee	773,101	793,961	20,860	2.70
Texas	1,328,296	1,311,777	(16,519)	−1.24
Utah	349,335	351,075	1,740	0.50
Vermont	272,692	270,142	(2,550)	−0.94
Virgin Islands	218,872	218,774	(98)	−0.04
Virginia	532,666	551,293	18,627	3.50
Washington	901,029	856,127	(44,902)	−4.98
West Virginia	374,349	351,524	(22,825)	−6.10
Wisconsin	958,471	1,008,827	50,356	5.25
Wyoming	249,794	245,177	(4,617)	−1.85
State Total	34,650,000	34,650,000	0	0.00
Reserve	350,000	350,000	0	0.00

WORKFORCE INFORMATION GRANTS TO STATES COMPARISON OF PY 2002 VS PY 2001

State	PY 2001	PY 2002	Difference	Percent change
Total	$38,000,000	$38,000,000	$0	0.00
Alabama	618,961	615,467	(3,494)	−0.56
Alaska	334,067	333,082	(985)	−0.29
Arizona	653,519	660,644	7,125	−0.09
Arkansas	478,432	477,041	(1,391)	−0.29
California	2,941,713	2,948,593	6,880	0.23
Colorado	642,148	643,436	1,288	0.20
Connecticut	551,662	544,272	(7,390)	−0.34
Delaware	347,918	346,723	(1,195)	−0.34

WORKFORCE INFORMATION GRANTS TO STATES COMPARISON OF PY 2002 VS PY 2001—Continued

State	PY 2001	PY 2002	Difference	Percent change
District of Columbia	326,810	325,186	(1,624)	−0.50
Florida	1,459,745	1,478,885	19,140	1.31
Georgia	930,201	923,001	(7,200)	−0.77
Hawaii	375,913	376,048	135	0.04
Idaho	386,621	388,791	2,170	0.56
Illinois	1,264,690	1,252,163	(12,527)	−0.99
Indiana	761,616	758,085	(3,531)	−0.46
Iowa	525,362	528,771	3,409	0.65
Kansas	506,904	502,144	(4,760)	−0.94
Kentucky	590,550	588,413	(2,137)	−0.36
Louisiana	599,209	596,796	(2,413)	0.40
Maine	389,902	387,937	(1,965)	−0.50
Maryland	726,672	721,961	(4,711)	−0.65
Massachusetts	792,615	794,878	2,263	0.29
Michigan	1,088,586	1,082,369	(6,217)	−0.57
Minnesota	714,254	714,447	193	0.03
Mississippi	486,228	484,006	(2,222)	−0.46
Missouri	739,013	732,722	(6,291)	−0.85
Montana	357,655	355,457	(2,198)	−0.61
Nebraska	429,591	427,840	(1,751)	−0.41
Nevada	439,128	443,615	4,487	1.02
New Hampshire	390,642	390,223	(419)	−0.11
New Jersey	938,983	933,670	(5,313)	−0.57
New Mexico	414,200	413,924	(276)	−0.07
New York	1,669,359	1,644,015	(25,344)	−0.52
North Carolina	897,707	898,050	343	0.04
North Dakota	336,378	334,743	(1,635)	−0.49
Ohio	1,191,106	1,184,810	(6,296)	−0.53
Oklahoma	538,258	541,239	2,981	0.55
Oregon	559,304	554,850	(4,454)	−0.80
Pennsylvania	1,209,409	1,208,800	(609)	−0.05
Puerto Rico	483,717	482,894	(823)	−0.17
Rhode Island	362,046	360,182	(1,864)	−0.51
South Carolina	593,292	589,601	(3,691)	−0.62
South Dakota	345,961	345,412	(549)	−0.16
Tennessee	725,224	722,937	(2,287)	−0.32
Texas	1,893,749	1,911,463	17,714	0.94
Utah	457,463	457,333	(130)	−0.03
Vermont	336,671	335,917	(754)	−0.22
Virginia	850,361	857,293	6,932	0.82
Washington	759,936	742,462	(17,474)	-2.30
West Virginia	408,977	406,441	(2,536)	−0.62
Wisconsin	749,875	747,781	(2,094)	−0.28
Wyoming	324,838	324,516	(322)	−0.10
State Total	36,897,141	36,821,328	(75,813)	−0.21
Guam	68,274	68,236	(38)	−0.06
Virgin Islands	122,585	122,436	(149)	−0.12
Postage	912,000	988,000	76,000	8.33

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Part III

Department of Housing and Urban Development

24 CFR Part 17
Administrative Wage Garnishment; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 17

[Docket No. FR–4711–P–01]

RIN 2501–AC85

Administrative Wage Garnishment

AGENCY: Office of the Secretary, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement the authority established under the Debt Collection Improvement Act of 1996 (DCIA) for HUD to collect the Department's past due indebtedness through administrative wage garnishment. The proposed rule would adopt, without change, the hearing procedures issued by the Department of the Treasury implementing administrative wage garnishment under the DCIA. This proposed rule would apply only to individuals who are not Federal employees. The proposed rule also would amend regulations on procedures for the collection of claims to conform HUD regulations to applicable provisions of the DCIA.

DATES: *Comment Due Date:* May 7, 2002.

ADDRESSES: Interested persons are invited to submit comments regarding this rule to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Communications should refer to the above docket number and title. Facsimile (FAX) comments are not acceptable. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: Samuel B. Rothman, Senior Attorney, Office of General Counsel, Room 9253, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708–4184 (this is not a toll-free number). Hearing and speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

Since 1984 HUD has had regulations (subpart C of 24 CFR part 17) that govern various types of administrative offset (i.e., offset conducted administratively rather than through a court of record). These regulations, issued pursuant to the Debt Collection Act of 1982 (31 U.S.C. 3701 *et seq.*) and the Federal Claims Collection Standards, were promulgated jointly by the General Accounting Office and the Department of Justice (4 CFR parts 101–105).

In 1996, Congress enacted the Debt Collection Improvement Act of 1996 (Pub. L. 104–134, 110 Stat. 1321–1358, approved April 26, 1996), which amended the Debt Collection Act of 1982. Section 31001(o) of the DCIA authorizes collection of Federal agency debt by administrative wage garnishment (section 31001(o) is codified at 31 U.S.C. 3720D). Wage garnishment is a legal process whereby an employer withholds amounts from an employee's wages and pays those amounts to the employee's creditor in satisfaction of a withholding order. The DCIA authorizes Federal agencies to garnish up to 15% of the disposable pay of a debtor to satisfy delinquent nontax debt owed to the United States. Prior to the enactment of the DCIA, agencies were required to obtain a court judgment before garnishing the wages of non-Federal employees.

The DCIA directed the Secretary of the Treasury to issue implementing regulations (*see* 31 U.S.C. 3720D(h)). On May 6, 1998 (63 FR 25136), the Department of the Treasury published a final rule implementing the statutory administrative wage garnishment requirements at 31 CFR 285.11. Paragraph (f) of 31 CFR 285.11 provides that ''[a]gencies shall prescribe regulations for the conduct of administrative wage garnishment hearings consistent with this section or shall adopt this section without change by reference.''

This proposed rule would amend HUD's regulations at 24 CFR part 17, subpart C to adopt 31 CFR 285.11 in its entirety. Specifically, the proposed rule would establish a new § 17.170 that would contain a cross-reference to 31 CFR 285.11. New § 17.170 also would provide that, to the extent situations arise that are not covered by 31 CFR 285.11, those situations would be governed by the HUD hearing procedures in 24 CFR part 26, subpart A.

Additionally, the proposed rule would amend the existing regulations that govern income tax refund offset to include offset against other eligible Federal payments. Under the DCIA the Treasury Department serves as a coordinator for Federal debt collection through its Treasury Offset Program. The proposed rule would recognize that status by adding the phrase ''and the Department of the Treasury'' immediately after references to the IRS in the existing regulations.

II. Overview of the Administrative Wage Garnishment Process

Readers should refer to the Department of the Treasury regulation at 31 CFR 285.11 for details regarding the administrative wage garnishment procedures that would be adopted by this proposed rule. For the convenience of readers, the following presents a very brief overview of the rules and procedures codified at 31 CFR 285.11.

1. *Notice to debtor.* At least 30 days before the agency initiates garnishment proceedings, the agency will give the debtor written notice informing him or her of the nature and amount of the debt, the intention of the agency to collect the debt through deductions from pay, and an explanation of the debtor's rights regarding the proposed action.

2. *Rights of debtor.* The agency will provide the debtor with an opportunity to inspect and copy records related to the debt, to establish a repayment agreement, and to receive a hearing concerning the existence or amount of the debt and the terms of a repayment schedule. A hearing must be held prior to the issuance of a withholding order if the debtor's request is timely received. For hearing requests that are not received in the specified timeframe, the agency need not delay the issuance of a withholding order prior to conducting a hearing. An agency may not garnish the wages of a debtor who has been involuntarily separated from employment until that individual has been reemployed continuously for at least 12 months. The debtor bears the responsibility of notifying the agency of the circumstances surrounding an involuntary separation from employment.

3. *Hearing official.* The Department of the Treasury regulations authorize the head of each agency to designate any qualified individual as a hearing official. This proposed rule would provide that any hearing required to establish HUD's right to collect a debt through administrative wage garnishment will be conducted by an administrative judge of the HUD Board of Contract Appeals. The hearing official is required to issue a written decision no later than 60 days after the request for a hearing is made. The hearing official's decision is the final agency action for purposes of judicial review.

4. *Employer's responsibilities.* The agency will send to the employer of a delinquent debtor a wage garnishment order directing that the employer pay a portion of the debtor's wages to the

Federal Government. The employer is required to certify certain payment information about the debtor. Employers are not required to vary their normal pay cycles in order to comply with these requirements. Employers are prohibited from taking disciplinary actions against the debtor because the debtor's wages are subject to administrative garnishment. An agency may sue an employer for amounts not properly withheld from the wages payable to the debtor.

5. *Garnishment amounts.* As provided in the DCIA, no more than 15% of the debtor's disposable pay for each pay period may be garnished. Special rules apply to calculating the amount to be withheld from a debtor's pay that is subject to multiple withholding orders. A debtor may request a review by the agency of the amount being garnished under a wage garnishment order based on materially changed circumstances, such as disability, divorce, or catastrophic illness, which result in financial hardship.

III. Findings and Certifications

Impact on Small Entities

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed and approved this proposed rule, and in so doing certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities. Although many small employers will be subject to the requirements of this proposed rule, the requirements will not have a significant economic impact on these entities. Employers of delinquent debtors must certify certain information about the debtor such as the debtor's employment status and earnings. This information is contained in the employer's payroll records. Therefore, it will not take a significant amount of time or result in a significant cost for an employer to complete the certification form. Even if an employer is served withholding orders on several employees over the course of a year, the cost imposed on the employer to complete the certifications would not have a significant economic impact on an entity. Employers are not required to vary their normal pay cycles in order to comply with a withholding order issued pursuant to this proposed rule.

Notwithstanding HUD's determination that this rule will not have a significant economic impact on small entities, HUD specifically invites comments regarding alternatives to this rule that would meet HUD's objectives as described in this preamble.

Environmental Impact

In accordance with 24 CFR 50.19(c)(1) of the Department's regulations, this proposed rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate, real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction, or establish, revise, or provide for standards for construction or construction materials, manufactured housing, or occupancy. Therefore, this proposed rule is categorically excluded from the requirements of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*).

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on State and local governments and is not required by statute, or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This proposed rule does not have federalism implications and does not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive Order.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule would not impose a Federal mandate on any State, local, or tribal government, or on the private sector, within the meaning of the Unfunded Mandates Reform Act of 1995.

List of Subjects in 24 CFR Part 17

Administrative practice and procedure, Claims, Government employees, Income taxes, Wages.

Accordingly, for the reasons described in the preamble, HUD proposes to amend 24 CFR part 17 as follows:

PART 17—ADMINISTRATIVE CLAIMS

1. The authority citation for 24 CFR part 17, subpart C is revised to read as follows:

Authority: 5 U.S.C. 5514; 31 CFR 3711, 3716–3720E; and 42 U.S.C. 3535(d).

2. The undesignated center heading immediately preceding § 17.150 is revised to read as follows:

IRS Tax Refund and Federal Payment Offset Provisions and Administrative Wage Garnishment

3. Revise § 17.150 to read as follows:

§ 17.150 Scope.

(a) The standards set forth in §§ 17.150 through 17.161 are the Department's procedures for requesting the Internal Revenue Service (IRS) and the Department of the Treasury to offset tax refunds and Federal payments due taxpayers who have a past-due debt obligation to the Department. These procedures are authorized by the Deficit Reduction Act of 1984 (31 U.S.C. 3720A) and apply to the collection of debts as authorized by common law, by 31 U.S.C. 3716, or under other statutory authority.

(b) The Secretary will use the IRS tax refund and the Department of the Treasury Federal payment offset to collect claims which are certain in amount, past due and legally enforceable, and which are eligible for tax refund or Federal payment offset under regulations issued by the Secretary of the Treasury.

(c) The Secretary will not report debts to the IRS and the Department of the Treasury except for the purpose of using the offset procedures described in §§ 17.150 through 17.161. Debts of less than $100.00, exclusive of interest and other charges, will not be reported.

(d) If not legally enforceable because of lapse of statute of limitations but otherwise valid, the debt will be reported to the IRS and the Department of the Treasury as a forgiven debt on Form 1099C. (Form 1099C is an information return which Government agencies file with the IRS and the Department of the Treasury to report forgiven debt, and the forgiven amount is considered income to the taxpayer.) (See § 17.159.)

4. Amend § 17.151 by revising the introductory text and paragraph (b) to read as follows:

§ 17.151 Notice requirements before offset.

A request for deduction from an IRS tax refund or Federal payment will be made only after the Secretary makes a determination that an amount is owed and past due and provides the debtor with 65 calendar days written notice. This Notice of Intent to Collect by IRS Tax Refund or Federal Payment Offset (Notice of Intent) will state:

* * * * *

(b) That unless the debt is repaid within 65 days from the date of the Notice, the Secretary intends to collect the debt by requesting the IRS and the Department of Treasury to reduce any

amounts payable to the debtor by an amount equal to the amount of the debt and all accumulated interest and other charges;

* * * * *

5. Amend § 17.153 by revising paragraph (c) to read as follows:

§ 17.153 Determination of the Administrative Judge.

* * * * *

(c) If the Administrative Judge's decision affirms that all or part of the debt is past due and legally enforceable, the Secretary will notify the IRS and the Department of the Treasury after the Administrative Judge's determination has been issued under paragraph (a) of this section and a copy of the determination is received by the Department's Chief Financial Officer. No referral will be made to the IRS and the Department of the Treasury if review of the debt by the Administrative Judge reverses the initial decision that the debt is past due and legally enforceable.

6. Amend § 17.154 by revising paragraph (a) to read as follows:

§ 17.154 Postponements, withdrawals and extensions of time.

(a) *Postponements and withdrawals.* The Secretary may, for good cause, postpone or withdraw referral of the debt to the IRS and the Department of Treasury. (For example, a delay in the mail between the debtor and the Secretary could normally warrant a postponement; a mathematical error or computer malfunction could be the reason for a withdrawal.)

* * * * *

7. Revise § 17.156 to read as follows:

§ 17.156 Stay of offset.

If the debtor timely notifies the Secretary that he or she is exercising a right described in § 17.152(a) and timely submits evidence in accordance with § 17.152(b), any notice to the IRS and the Department of the Treasury will be stayed until the issuance of a written decision by the Administrative Judge which determines that a debt or part of a debt is past-due and legally enforceable.

8. Revise § 17.157 to read as follows:

§ 17.157 Application of offset funds: Single debt.

If the debtor does not timely notify the Secretary that he or she is exercising a right described in § 17.152, the Secretary will notify the IRS and the Department of the Treasury of the debt no earlier than 65 calendar days from the date of the Department's Notice of Intent, and will request that the amount of the debt be offset against any amount payable by the IRS as refund of Federal taxes or by the Department of the Treasury as a Federal payment. Normally, recovered funds will be applied first to costs of collection, then to any special charges provided for in HUD regulations or contracts, then to interest and finally, to the principal owed by the debtor.

9. Revise § 17.159 to read as follows:

§ 17.159 Application of offset funds: Tax refund or other Federal payment is insufficient to cover amount of debt.

If a tax refund or Federal payment is insufficient to satisfy a debt in a given tax year, the Secretary will recertify to the IRS and the Department of the Treasury the following year to collect further on the debt. If, in the following year, the debt has become legally unenforceable because of the lapse of the statute of limitations, the debt will be reported to the IRS and the Department of the Treasury as a forgiven debt in accordance with § 17.150(d).

10. Amend § 17.160 by revising the section heading and paragraph (a) to read as follows:

§ 17.160 Time limitation for notifying the IRS or the Department of the Treasury to request offset of tax refunds or Federal payments due.

(a) The Secretary may not initiate offset of tax refunds or Federal payments due to collect a debt for which authority to collect arises under 31 U.S.C. 3716 more than 10 years after the Secretary's right to collect the debt first accrued, unless facts material to the Secretary's right to collect the debt were not known and could not reasonably have been known by the officials of the Department who were responsible for discovering and collecting such debts.

* * * * *

11. Add new undesignated center heading following § 17.161 and add new § 17.170 to read as follows:

Administrative Wage Garnishment

§ 17.170 Administrative wage garnishment.

(a) *General.* The Secretary may collect a debt by using administrative wage garnishment. Regulations in 31 CFR 285.11 governs collection through administrative wage garnishment. To the extent situations arise that are not covered by 31 CFR 285.11, those situations shall be governed by part 26, subpart A of this title.

(b) *Hearing official.* Any hearing required to establish the Secretary's right to collect a debt through administrative wage garnishment shall be conducted by an Administrative Judge of the HUD Board of Contract Appeals.

Dated: February 6, 2002.

Mel Martinez,

Secretary.

[FR Doc. 02–5524 Filed 3–7–02; 8:45 am]

BILLING CODE 4210–77–P

Federal Register

Friday,
March 8, 2002

Part III

Department of Housing and Urban Development

24 CFR Part 17
Administrative Wage Garnishment; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 17

[Docket No. FR–4711–P–01]

RIN 2501–AC85

Administrative Wage Garnishment

AGENCY: Office of the Secretary, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement the authority established under the Debt Collection Improvement Act of 1996 (DCIA) for HUD to collect the Department's past due indebtedness through administrative wage garnishment. The proposed rule would adopt, without change, the hearing procedures issued by the Department of the Treasury implementing administrative wage garnishment under the DCIA. This proposed rule would apply only to individuals who are not Federal employees. The proposed rule also would amend regulations on procedures for the collection of claims to conform HUD regulations to applicable provisions of the DCIA.

DATES: *Comment Due Date:* May 7, 2002.

ADDRESSES: Interested persons are invited to submit comments regarding this rule to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Communications should refer to the above docket number and title. Facsimile (FAX) comments are not acceptable. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: Samuel B. Rothman, Senior Attorney, Office of General Counsel, Room 9253, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708–4184 (this is not a toll-free number). Hearing and speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

Since 1984 HUD has had regulations (subpart C of 24 CFR part 17) that govern various types of administrative offset (i.e., offset conducted administratively rather than through a court of record). These regulations, issued pursuant to the Debt Collection Act of 1982 (31 U.S.C. 3701 *et seq.*) and the Federal Claims Collection Standards, were promulgated jointly by the General Accounting Office and the Department of Justice (4 CFR parts 101–105).

In 1996, Congress enacted the Debt Collection Improvement Act of 1996 (Pub. L. 104–134, 110 Stat. 1321–1358, approved April 26, 1996), which amended the Debt Collection Act of 1982. Section 31001(o) of the DCIA authorizes collection of Federal agency debt by administrative wage garnishment (section 31001(o) is codified at 31 U.S.C. 3720D). Wage garnishment is a legal process whereby an employer withholds amounts from an employee's wages and pays those amounts to the employee's creditor in satisfaction of a withholding order. The DCIA authorizes Federal agencies to garnish up to 15% of the disposable pay of a debtor to satisfy delinquent nontax debt owed to the United States. Prior to the enactment of the DCIA, agencies were required to obtain a court judgment before garnishing the wages of non-Federal employees.

The DCIA directed the Secretary of the Treasury to issue implementing regulations (*see* 31 U.S.C. 3720D(h)). On May 6, 1998 (63 FR 25136), the Department of the Treasury published a final rule implementing the statutory administrative wage garnishment requirements at 31 CFR 285.11. Paragraph (f) of 31 CFR 285.11 provides that ''[a]gencies shall prescribe regulations for the conduct of administrative wage garnishment hearings consistent with this section or shall adopt this section without change by reference.''

This proposed rule would amend HUD's regulations at 24 CFR part 17, subpart C to adopt 31 CFR 285.11 in its entirety. Specifically, the proposed rule would establish a new § 17.170 that would contain a cross-reference to 31 CFR 285.11. New § 17.170 also would provide that, to the extent situations arise that are not covered by 31 CFR 285.11, those situations would be governed by the HUD hearing procedures in 24 CFR part 26, subpart A.

Additionally, the proposed rule would amend the existing regulations that govern income tax refund offset to include offset against other eligible Federal payments. Under the DCIA the Treasury Department serves as a coordinator for Federal debt collection through its Treasury Offset Program. The proposed rule would recognize that status by adding the phrase ''and the Department of the Treasury'' immediately after references to the IRS in the existing regulations.

II. Overview of the Administrative Wage Garnishment Process

Readers should refer to the Department of the Treasury regulation at 31 CFR 285.11 for details regarding the administrative wage garnishment procedures that would be adopted by this proposed rule. For the convenience of readers, the following presents a very brief overview of the rules and procedures codified at 31 CFR 285.11.

1. *Notice to debtor.* At least 30 days before the agency initiates garnishment proceedings, the agency will give the debtor written notice informing him or her of the nature and amount of the debt, the intention of the agency to collect the debt through deductions from pay, and an explanation of the debtor's rights regarding the proposed action.

2. *Rights of debtor.* The agency will provide the debtor with an opportunity to inspect and copy records related to the debt, to establish a repayment agreement, and to receive a hearing concerning the existence or amount of the debt and the terms of a repayment schedule. A hearing must be held prior to the issuance of a withholding order if the debtor's request is timely received. For hearing requests that are not received in the specified timeframe, the agency need not delay the issuance of a withholding order prior to conducting a hearing. An agency may not garnish the wages of a debtor who has been involuntarily separated from employment until that individual has been reemployed continuously for at least 12 months. The debtor bears the responsibility of notifying the agency of the circumstances surrounding an involuntary separation from employment.

3. *Hearing official.* The Department of the Treasury regulations authorize the head of each agency to designate any qualified individual as a hearing official. This proposed rule would provide that any hearing required to establish HUD's right to collect a debt through administrative wage garnishment will be conducted by an administrative judge of the HUD Board of Contract Appeals. The hearing official is required to issue a written decision no later than 60 days after the request for a hearing is made. The hearing official's decision is the final agency action for purposes of judicial review.

4. *Employer's responsibilities.* The agency will send to the employer of a delinquent debtor a wage garnishment order directing that the employer pay a portion of the debtor's wages to the

Federal Government. The employer is required to certify certain payment information about the debtor. Employers are not required to vary their normal pay cycles in order to comply with these requirements. Employers are prohibited from taking disciplinary actions against the debtor because the debtor's wages are subject to administrative garnishment. An agency may sue an employer for amounts not properly withheld from the wages payable to the debtor.

5. *Garnishment amounts.* As provided in the DCIA, no more than 15% of the debtor's disposable pay for each pay period may be garnished. Special rules apply to calculating the amount to be withheld from a debtor's pay that is subject to multiple withholding orders. A debtor may request a review by the agency of the amount being garnished under a wage garnishment order based on materially changed circumstances, such as disability, divorce, or catastrophic illness, which result in financial hardship.

III. Findings and Certifications

Impact on Small Entities

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed and approved this proposed rule, and in so doing certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities. Although many small employers will be subject to the requirements of this proposed rule, the requirements will not have a significant economic impact on these entities. Employers of delinquent debtors must certify certain information about the debtor such as the debtor's employment status and earnings. This information is contained in the employer's payroll records. Therefore, it will not take a significant amount of time or result in a significant cost for an employer to complete the certification form. Even if an employer is served withholding orders on several employees over the course of a year, the cost imposed on the employer to complete the certifications would not have a significant economic impact on an entity. Employers are not required to vary their normal pay cycles in order to comply with a withholding order issued pursuant to this proposed rule.

Notwithstanding HUD's determination that this rule will not have a significant economic impact on small entities, HUD specifically invites comments regarding alternatives to this rule that would meet HUD's objectives as described in this preamble.

Environmental Impact

In accordance with 24 CFR 50.19(c)(1) of the Department's regulations, this proposed rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate, real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction, or establish, revise, or provide for standards for construction or construction materials, manufactured housing, or occupancy. Therefore, this proposed rule is categorically excluded from the requirements of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*).

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on State and local governments and is not required by statute, or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This proposed rule does not have federalism implications and does not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive Order.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule would not impose a Federal mandate on any State, local, or tribal government, or on the private sector, within the meaning of the Unfunded Mandates Reform Act of 1995.

List of Subjects in 24 CFR Part 17

Administrative practice and procedure, Claims, Government employees, Income taxes, Wages.

Accordingly, for the reasons described in the preamble, HUD proposes to amend 24 CFR part 17 as follows:

PART 17—ADMINISTRATIVE CLAIMS

1. The authority citation for 24 CFR part 17, subpart C is revised to read as follows:

Authority: 5 U.S.C. 5514; 31 CFR 3711, 3716–3720E; and 42 U.S.C. 3535(d).

2. The undesignated center heading immediately preceding § 17.150 is revised to read as follows:

IRS Tax Refund and Federal Payment Offset Provisions and Administrative Wage Garnishment

3. Revise § 17.150 to read as follows:

§ 17.150 Scope.

(a) The standards set forth in §§ 17.150 through 17.161 are the Department's procedures for requesting the Internal Revenue Service (IRS) and the Department of the Treasury to offset tax refunds and Federal payments due taxpayers who have a past-due debt obligation to the Department. These procedures are authorized by the Deficit Reduction Act of 1984 (31 U.S.C. 3720A) and apply to the collection of debts as authorized by common law, by 31 U.S.C. 3716, or under other statutory authority.

(b) The Secretary will use the IRS tax refund and the Department of the Treasury Federal payment offset to collect claims which are certain in amount, past due and legally enforceable, and which are eligible for tax refund or Federal payment offset under regulations issued by the Secretary of the Treasury.

(c) The Secretary will not report debts to the IRS and the Department of the Treasury except for the purpose of using the offset procedures described in §§ 17.150 through 17.161. Debts of less than $100.00, exclusive of interest and other charges, will not be reported.

(d) If not legally enforceable because of lapse of statute of limitations but otherwise valid, the debt will be reported to the IRS and the Department of the Treasury as a forgiven debt on Form 1099C. (Form 1099C is an information return which Government agencies file with the IRS and the Department of the Treasury to report forgiven debt, and the forgiven amount is considered income to the taxpayer.) (See § 17.159.)

4. Amend § 17.151 by revising the introductory text and paragraph (b) to read as follows:

§ 17.151 Notice requirements before offset.

A request for deduction from an IRS tax refund or Federal payment will be made only after the Secretary makes a determination that an amount is owed and past due and provides the debtor with 65 calendar days written notice. This Notice of Intent to Collect by IRS Tax Refund or Federal Payment Offset (Notice of Intent) will state:

* * * * *

(b) That unless the debt is repaid within 65 days from the date of the Notice, the Secretary intends to collect the debt by requesting the IRS and the Department of Treasury to reduce any

amounts payable to the debtor by an amount equal to the amount of the debt and all accumulated interest and other charges;

* * * * *

5. Amend § 17.153 by revising paragraph (c) to read as follows:

§ 17.153 Determination of the Administrative Judge.

* * * * *

(c) If the Administrative Judge's decision affirms that all or part of the debt is past due and legally enforceable, the Secretary will notify the IRS and the Department of the Treasury after the Administrative Judge's determination has been issued under paragraph (a) of this section and a copy of the determination is received by the Department's Chief Financial Officer. No referral will be made to the IRS and the Department of the Treasury if review of the debt by the Administrative Judge reverses the initial decision that the debt is past due and legally enforceable.

6. Amend § 17.154 by revising paragraph (a) to read as follows:

§ 17.154 Postponements, withdrawals and extensions of time.

(a) *Postponements and withdrawals.* The Secretary may, for good cause, postpone or withdraw referral of the debt to the IRS and the Department of Treasury. (For example, a delay in the mail between the debtor and the Secretary could normally warrant a postponement; a mathematical error or computer malfunction could be the reason for a withdrawal.)

* * * * *

7. Revise § 17.156 to read as follows:

§ 17.156 Stay of offset.

If the debtor timely notifies the Secretary that he or she is exercising a right described in § 17.152(a) and timely submits evidence in accordance with § 17.152(b), any notice to the IRS and the Department of the Treasury will be stayed until the issuance of a written decision by the Administrative Judge which determines that a debt or part of a debt is past-due and legally enforceable.

8. Revise § 17.157 to read as follows:

§ 17.157 Application of offset funds: Single debt.

If the debtor does not timely notify the Secretary that he or she is exercising a right described in § 17.152, the Secretary will notify the IRS and the Department of the Treasury of the debt no earlier than 65 calendar days from the date of the Department's Notice of Intent, and will request that the amount of the debt be offset against any amount payable by the IRS as refund of Federal taxes or by the Department of the Treasury as a Federal payment. Normally, recovered funds will be applied first to costs of collection, then to any special charges provided for in HUD regulations or contracts, then to interest and finally, to the principal owed by the debtor.

9. Revise § 17.159 to read as follows:

§ 17.159 Application of offset funds: Tax refund or other Federal payment is insufficient to cover amount of debt.

If a tax refund or Federal payment is insufficient to satisfy a debt in a given tax year, the Secretary will recertify to the IRS and the Department of the Treasury the following year to collect further on the debt. If, in the following year, the debt has become legally unenforceable because of the lapse of the statute of limitations, the debt will be reported to the IRS and the Department of the Treasury as a forgiven debt in accordance with § 17.150(d).

10. Amend § 17.160 by revising the section heading and paragraph (a) to read as follows:

§ 17.160 Time limitation for notifying the IRS or the Department of the Treasury to request offset of tax refunds or Federal payments due.

(a) The Secretary may not initiate offset of tax refunds or Federal payments due to collect a debt for which authority to collect arises under 31 U.S.C. 3716 more than 10 years after the Secretary's right to collect the debt first accrued, unless facts material to the Secretary's right to collect the debt were not known and could not reasonably have been known by the officials of the Department who were responsible for discovering and collecting such debts.

* * * * *

11. Add new undesignated center heading following § 17.161 and add new § 17.170 to read as follows:

Administrative Wage Garnishment

§ 17.170 Administrative wage garnishment.

(a) *General.* The Secretary may collect a debt by using administrative wage garnishment. Regulations in 31 CFR 285.11 governs collection through administrative wage garnishment. To the extent situations arise that are not covered by 31 CFR 285.11, those situations shall be governed by part 26, subpart A of this title.

(b) *Hearing official.* Any hearing required to establish the Secretary's right to collect a debt through administrative wage garnishment shall be conducted by an Administrative Judge of the HUD Board of Contract Appeals.

Dated: February 6, 2002.

Mel Martinez,

Secretary.

[FR Doc. 02–5524 Filed 3–7–02; 8:45 am]

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Federal Register

Friday,

March 8, 2002

Part IV

Department of Defense

Department of the Army; Corps of Engineers

33 CFR Part 325

Request for Comments on the Corps Regulatory Program and the New Advisory Council on Historic Preservation 36 CFR Part 800 Regulations; Proposed Rule

DEPARTMENT OF DEFENSE

Department of the Army

33 CFR Part 325

Request for Comments on the Corps Regulatory Program and the New Advisory Council on Historic Preservation 36 CFR Part 800 Regulations

AGENCY: Army Corps of Engineers, DoD.

ACTION: Request for comments.

SUMMARY: On January 11, 2001, the Advisory Council on Historic Preservation (ACHP) finalized its regulations at 36 CFR Part 800 to comply with the 1992 amendments to the National Historic Preservation Act (NHPA). Currently the Corps Regulatory Program uses procedures found at 33 CFR part 325, Appendix C, to comply with the NHPA and other laws dealing with historic properties. Since the principle law and the ACHP implementing regulations have been changed, the Corps of Engineers has determined that it is necessary to address these changes.

The Corps of Engineers is initiating a process to address the ACHP regulations for the Regulatory Program. The first step in this process is to solicit public views on 36 CFR part 800 regulation as it relates to the Corps Regulatory Program and Appendix C. The Corps also intends to issue interim guidance to address the use of Appendix C and the new 36 CFR part 800 regulations until this process is completed. This process may result in additional guidance, modifications to Appendix C, programmatic agreements, or other products.

DATES: Written comments must be submitted on or before May 7, 2002.

ADDRESSES: Mail comments to the U.S. Army Corps of Engineers, Institute for Water Resources, CEIWR-PD, 7701 Telegraph Road, Casey Building, Alexandria, Virginia 22315-3868.

FOR FURTHER INFORMATION CONTACT: Ms. Meg Smith, CEIWR-PD, at (703) 428–6370 or Ms. Katherine Trott at (202) 761–4617 or access the U.S. Army Corps of Engineers Regulatory Home Page at *http://www.usace.army.mil/inet/functions/cw/cecwo/reg.*

SUPPLEMENTARY INFORMATION: The Corps has identified some differences between the new regulations and Appendix C and is seeking comments from the public regarding issues and concerns related to their Regulatory Program, Appendix C procedures, and the new ACHP regulations at 36 CFR Part 800. Examples of some of these differences include: definition of scope of analysis (permit area versus area of potential effects); increased coordination with Indian Tribes, Alaska Natives, and Native Hawaiians; time allowed for review; requirement for memoranda of agreement for mitigating adverse affects; changes to ACHP involvement; resolution of violations and others.

This document is intended to provide Tribes, State Historic Preservation Officers, Tribal Historic Preservation Officers, and the public an opportunity to submit comments on the Corps Regulatory Program and the implementation of 33 CFR part 325, Appendix C and the new ACHP regulations at 36 CFR part 800.

Dated: March 4, 2002.

Lawrence A. Lang,

Acting Chief, Operations Division, Directorate of Civil Works.

[FR Doc. 02–5653 Filed 3–7–02; 8:45 am]

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Federal Register

Friday,

March 8, 2002

Part IV

Department of Defense

Department of the Army; Corps of Engineers

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This document is intended to provide Tribes, State Historic Preservation Officers, Tribal Historic Preservation Officers, and the public an opportunity to submit comments on the Corps Regulatory Program and the implementation of 33 CFR part 325, Appendix C and the new ACHP regulations at 36 CFR part 800.

Dated: March 4, 2002.

Lawrence A. Lang,

Acting Chief, Operations Division, Directorate of Civil Works.

[FR Doc. 02–5653 Filed 3–7–02; 8:45 am]

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Federal Register

Friday,
March 8, 2002

Part V

The President

Proclamation 7530—Women's History Month, 2002

Federal Register
Vol. 67, No. 46
Friday, March 8, 2002

Presidential Documents

Title 3—

The President

Proclamation 7530 of March 6, 2002

Women's History Month, 2002

By the President of the United States of America

A Proclamation

Women's History Month provides our country the privilege of honoring the countless contributions that American women have made throughout our history. These contributions have enriched our culture, strengthened our Nation, and furthered the Founders' vision for a free and just Republic that provides opportunity and safety at home and is an influence for peace around the world.

Since its beginnings, our land has been blessed by noteworthy women who played defining roles in shaping our Nation. Sakajawea was a Native American woman who befriended the explorers, Meriwether Lewis and William Clark, 150 years ago as they crossed the great Northwest. She helped Lewis and Clark's expedition complete the first successful overland transcontinental journey. Lucretia Mott courageously wrote and spoke against slavery and the lack of equal rights for women, helping America recognize the inherent wrong in the institutional subjugation of others and the need to strive for equality, freedom, and justice for all. Elizabeth Blackwell was the first woman in America awarded a medical degree, and she dedicated her pioneering efforts as a physician to helping others.

Helen Keller overcame debilitating physical disabilities, showing us the power of a determined human spirit. And Clara Barton developed a vision for helping others through her service to the wounded during the Civil War; and she realized that vision by founding the American Red Cross after the war, an organization that has since become renowned for its effectiveness in helping those who suffer or are in need. Recently, the Red Cross reached out to aid Afghan women traumatized by the repressive rule of the intolerant Taliban regime, which for years had mercilessly oppressed Afghanistan and Afghan women in particular. Today, thousands of American women are furthering the cause of freedom through service in government, the military, and other organizations, as we seek to defeat terrorism and bring justice to those responsible for the September 11 attacks.

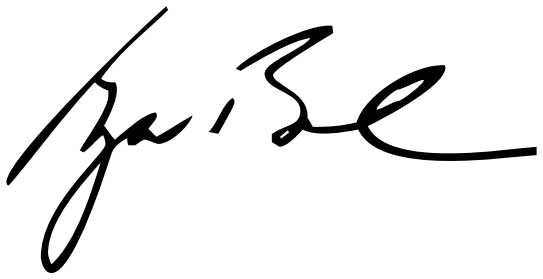
The history of American women is an expansive story of outstanding individuals who sacrificed much and worked hard in pursuit of a better world, where peace, dignity, and opportunity can reign. The spirit of loving determination that shaped these pursuits continues to serve as an example to those who seek to better our Nation. American women of strength, vision, and character have long influenced our country by contributing their time, efforts, and wisdom in vastly diverse ways to improve and enhance our government and communities, our schools and religious institutions, our businesses and the military, and the arts and sciences. Women also have fundamentally shaped our civilization in the care and nurturing of families. Today, women in contemporary America are furthering the Founders' vision by working to advance freedom, increase equality, and administer justice in every corner of our land, through their everyday work in schoolrooms, boardrooms, courtrooms, homes, and communities.

As President, I am proud to recognize the many contributions American women have made to help make our Nation free, strong, and a force for peace and justice around the world. On this observance of Women's History

Month, I encourage every American to learn more about these important contributions, and to celebrate their noble legacies as we work to build a brighter future for our Nation and for all of the world's people.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 2002 as Women's History Month. I call upon all the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of March, in the year of our Lord two thousand two, and of the Independence of the United States of America the two hundred and twenty-sixth.



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Federal Register

Friday,
March 8, 2002

Part V

The President

Proclamation 7530—Women's History Month, 2002

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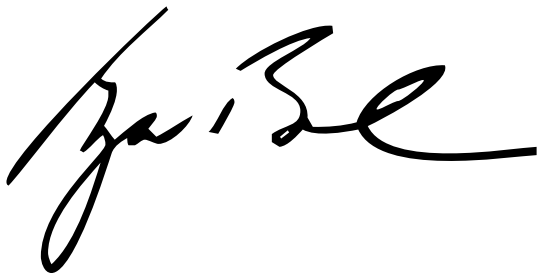
NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 2002 as Women's History Month. I call upon all the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of March, in the year of our Lord two thousand two, and of the Independence of the United States of America the two hundred and twenty-sixth.



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H.J. Res. 82/P.L. 107–143

Recognizing the 91st birthday of Ronald Reagan. (Feb. 14, 2002; 116 Stat. 17)

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To designate the facility of the United States Postal Service located at 811 South Main Street in Yerington, Nevada, as the ''Joseph E. Dini, Jr. Post Office''. (Feb. 14, 2002; 116 Stat. 18)

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