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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1030

[Docket No. AO–361–A35; DA–01–03]

Milk in the Upper Midwest Marketing Area; Interim Order Amending the Order.

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule.

SUMMARY: This order amends the pooling provisions of the Upper Midwest Federal milk order on an interim basis. Disorderly marketing conditions from the simultaneous pooling of milk on the Upper Midwest Federal order and the California State-operated order warrant these amendments. This interim order eliminates the ability to pool the same milk on a Federal and State-operated order that has marketwide pooling. It also establishes diversion limits for distributing plants regulated under the order. More than the required number of producers in Upper Midwest marketing area have approved the issuance of the interim amendments.

EFFECTIVE DATE: May 1, 2002.

FOR FURTHER INFORMATION CONTACT: Gino M. Tosi, Marketing Specialist, USDA/AMS/Dairy Programs, Order Formulation Branch, 1400 Independence Avenue, SW. Stop 0231, Washington, DC 20090–6456, (202) 690–1366, e-mail address *Gino.Tosi@usda.gov.*

SUPPLEMENTARY INFORMATION: This administrative rule is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12866.

This interim rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with the rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may request modification or exemption from such order by filing with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with the law. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Department would rule on the petition. The Act provides that the District Court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Department's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Small Business Consideration

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Agricultural Marketing Service has considered the economic impact of this action on small entities and has certified that this interim rule will not have a significant economic impact on a substantial number of small entities. For the purpose of the Regulatory Flexibility Act, a dairy farm is considered a ''small business'' if it has an annual gross revenue of less than $750,000, and a dairy products manufacturer is a ''small business'' if it has fewer than 500 employees. For the purposes of determining which dairy farms are ''small businesses,'' the $500,000 per year criterion was used to establish a production guideline of 500,000 pounds per month. Although this guideline does not factor in additional monies that may be received by dairy producers, it should be an inclusive standard for most ''small'' dairy farmers. For purposes of determining a handler's size, if the plant is part of a larger company operating multiple plants that collectively exceed the 500-employee limit, the plant will be considered a large business even if the local plant has fewer than 500 employees.

Prior documents in this proceeding:

Notice of Hearing: Issued June 5, 2001; published June 11, 2001 (66 FR 31185).

Tentative Final Decision: Issued February 8, 2002; published February 14, 2002 (67 FR 7040).

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the Upper Midwest order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

The following findings are hereby made with respect to the Upper Midwest order:

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Midwest marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof it is found that:

(1) The Upper Midwest order, as hereby amended on an interim basis, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as hereby amended on an interim basis, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The Upper Midwest order, as hereby amended on an interim basis, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of

industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional Findings.* It is necessary in the public interest to make these interim amendments to the Upper Midwest order effective May 1, 2002. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the aforesaid marketing area.

The interim amendments to these orders are known to handlers. The final decision containing the proposed amendments to these orders was issued on February 8, 2002.

The changes that result from these interim amendments will not require extensive preparation or substantial alteration in the method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making these interim order amendments effective May 1, 2002. It would be contrary to the public interest to delay the effective date of these amendments for 30 days after their publication in the **Federal Register**. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the specified marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this interim order amending the Upper Midwest order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended;

(3) The issuance of the interim order amending the Upper Midwest order is favored by at least two-thirds of the producers who were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Part 1030

Milk marketing orders.

Order Relative to Handling

It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Upper Midwest marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby further amended on an interim basis, as follows:

The authority citation for 7 CFR Part 1030 reads as follows:

Authority: 7 U.S.C. 601–674.

PART 1030—MILK IN THE UPPER MIDWEST MARKETING AREA

1. Section 1030.7(g) is amended by revising the first sentence to read as follows:

§ 1030.7 Pool Plant.

* * * * *

(g) The applicable shipping percentages of paragraphs (c) and (f) of this section and § 1030.13(d)(2), and (d)(3) may be increased or decreased, for all or part of the marketing area, by the market administrator if the market administrator finds that such adjustment is necessary to encourage needed shipments or to prevent uneconomic shipments. * * *

* * * * *

2. Section 1030.13 is amended as follows:

(a) By revising the introductory text;

(b) Redesignating paragraph (d)(3) as paragraph (d)(4); and

(c) Adding a new paragraph (d)(3) and a new paragraph (e). The revision and additions read as follows:

§ 1030.13 Producer milk.

Except as provided for in paragraph (e) of this section, *Producer milk* means the skim milk (or the skim equivalent of components of skim milk), including nonfat components, and butterfat in milk of a producer that is:

* * * * *

(d) * * *

(3) The quantity of milk diverted to nonpool plants by the operator of a pool plant described in § 1030.7(a) or (b) may not exceed 90 percent of the Grade A milk received from dairy farmers (except dairy farmers described in § 1030.12(b)) including milk diverted pursuant to § 1030.13; and

* * * * *

(e) Producer milk shall not include milk of a producer that is subject to inclusion and participation in a marketwide equalization pool under a milk classification and pricing program imposed under the authority of a State government maintaining marketwide pooling of returns.

Dated: April 16, 2002.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 02–9785 Filed 4–19–02; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 236 and 241

[INS No. 2203–02]

RIN 1115–AG67

Release of Information Regarding Immigration and Naturalization Service Detainees in Non-Federal Facilities

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule governs the public disclosure by any state or local government entity or by any privately operated facility of the name or other information relating to any immigration detainee being housed or otherwise maintained or provided service on behalf of the Immigration and Naturalization Service (INS or Service). This rule will establish a uniform policy on the public release of information on Service detainees and ensure the Service's ability to support the law enforcement and national security needs of the United States.

DATES: *Effective date:* This rule is effective April 17, 2002.

Comment date: Written comments must be submitted on or before June 21, 2002.

ADDRESSES: Please submit written comments to the Director, Regulations and Forms Services Division, Immigration and Naturalization Service, 425 I Street, NW, Room 4034, Washington, DC, 20536. To ensure proper handling, please reference INS No. 2203–02 on your correspondence. Comments may also be submitted electronically to the Service at insregs@usdoj.gov. When submitting comments electronically, please include INS No. 2203–02 in the subject heading. Comments are available for public inspection at this location by calling (202) 514–3048 to arrange for an appointment.

FOR FURTHER INFORMATION CONTACT: Dea Carpenter, Deputy General Counsel, Office of the General Counsel, Immigration and Naturalization Service, 425 I Street NW, Room 6100, Washington, DC 20536, telephone (202) 514–2895.

SUPPLEMENTARY INFORMATION:

This interim rule governs the release of the identity or other information relating to Service detainees by non-federal institutions. An alien may be detained pursuant to an administrative

order of arrest in connection with removal proceedings. Section 236(a) of the Immigration and Nationality Act (Act), 8 U.S.C. 1226(a), authorizes the Attorney General to detain aliens pending a determination of whether the alien should be removed from the United States. *See* 8 CFR 287.7. Section 241 of the Act, 8 U.S.C. 1231, authorizes the Attorney General to detain aliens ordered removed. The Service may detain such aliens in a Federal detention facility, or may arrange for the alien to be housed by a state or local government entity or by a privately operated detention facility (''non-Federal providers'') under contract with the Service or otherwise. However, even under such an arrangement, the detainee remains in the custody of, and subject to the authority and management of, the Service. Information relating to such detainees also remains subject to the authority and management of the Service.

This rule clarifies that non-Federal providers shall not release information relating to those detainees, and that requests for public disclosure of information relating to Service detainees, including Service detainees temporarily being held by non-Federal providers on behalf of the Service, will be directed to the Service. The rule bars release of such information by non-Federal providers in order to preserve a uniform policy on the release of such information. Accordingly, any disclosure of such records will be made by the Service and will be governed by the provisions of applicable Federal law, regulations, and Executive Orders. This rule does not address or alter in any way the Service's policies regarding its release of information concerning detainees; these policies remain unchanged.

This regulation is within the scope of the authority delegated to the Attorney General under the Act. Section 103(a)(1) of the Act, 8 U.S.C. 1103(a)(1), charges the Attorney General ''with the administration and enforcement'' of ''all * * * laws relating to the immigration and nationalization of aliens,'' and section 103(a)(3) of the Act, 8 U.S.C. 1103(a)(3), empowers him to ''establish such regulations * * * as he deems necessary for carrying out his authority.'' The Attorney General, in turn, has delegated broad authority to the Commissioner to implement the immigration laws, including the authority to issue implementing regulations. 8 CFR 2.1.

This rule, governing the release of information concerning the identity or other information relating to Service detainees housed in non-Federal facilities, is both necessary and proper to carrying out the Attorney General's detention authority under sections 236 and 241 of the Act, 8 U.S.C. 1226 and 1231; to ''control, direct[], and supervis[e]'' all of the ''files and records'' of the Service under section 103(a)(2) of the Act, 8 U.S.C. 1103(a)(2); and to arrange by contract with state and local governments ''for necessary clothing, medical care, necessary guard hire, and the housing, care, and security of persons detained by the Service pursuant to Federal law,'' 8 U.S.C. 1103(a)(9)(A)), as well as his authority under 18 U.S.C. 4002, 4013(a)(4).

The Supreme Court has recognized the primacy of Federal law in matters related to aliens and immigration. *Toll* v. *Moreno*, 458 U.S. 1, 10 (1980) (emphasizing the ''preeminent role of the Federal Government with respect to the regulation of aliens with our borders'' and noting the numerous constitutional sources of that authority); *DeCanas* v. *Bica*, 424 U.S. 351, 355 (1976) (''Power to regulate immigration is unquestionably exclusively a federal power.''); *Examining Bd. of Eng'rs, Architects & Surveyors* v. *Flores de Otero*, 426 U.S. 572, 605 (1976) (acknowledging ''the Federal Government's primary power and responsibility for the regulation of immigration''); *see* also *INS* v. *Aguirre-Aguirre*, 526 U.S. 422, 424, 425 (1999) (''judicial deference to the Executive Branch is especially appropriate in the immigration context''). In some instances, the release of information about a particular detainee or group of detainees could have a substantial adverse impact on security matters as well as the detainee's privacy. For example, specific aliens detained under administrative arrest warrants may possess significant foreign intelligence or counterintelligence information that is sought by the United States. The disclosure of those aliens' detention and the location of their detention could invite foreign intelligence activity contrary to the best interests of the United States. Similarly, the premature release of the identity or other information relating to those aliens could jeopardize sources and methods of the intelligence community. Release of information about a specific detainee or group of detainees could also have a substantial adverse impact on ongoing investigations being conducted by federal law enforcement agencies in conjunction with the Service. Even though an individual detainee may choose to disclose his own identity or some information about himself, the release by officials housing detainees of a list of detainees or other information about them could give a terrorist organization or other group a vital roadmap about the course and progress of an investigation. In certain instances, the detention of a specific alien could alert that alien's coconspirators to the extent of the federal investigation and the imminence of their own detention, thus provoking flight to avoid detention, prosecution and removal from the United States. Premature release of the identity of or information relating to a specific alien in detention could reasonably be expected to disclose the identity of a confidential source and techniques or procedures for law enforcement investigations or prosecution. See 5 U.S.C. 552(b)(7)(D), (E). Officials of the non-Federal providers may not possess information regarding the progress of Federal investigations and cannot make judgments about the risk of release of information relating to Service detainees.

This intelligence ''mosaic'' dilemma has been well recognized by the courts in concluding both that they are ill suited to second-guess the Executive Branch's determination and that seemingly innocuous production should not be made.

It requires little reflection to understand that the business of foreign intelligence gathering in this age of computer technology is more akin to the construction of a mosaic than it is to the management of a cloak and dagger affair. Thousands of pieces of seemingly innocuous information can be analyzed and fitted into place to reveal with startling clarity how the unseen whole must operate. As the Fourth Circuit Court of Appeals has observed:

The significance of one item of information may frequently depend upon knowledge of many other items of information. What may seem trivial to the uninformed, may appear of great moment to one who has a broad view of the scene and may put the questioned item of information in its proper context. The courts, of course are ill-equipped to become sufficiently steeped in foreign intelligence matters to serve effectively in the review of secrecy classifications in that area.

United States v. *Marchetti*, 466 F.2d 1309, 1318 (4th Cir.), cert. denied, 409 U.S. 1063 (1972).

Halkin v. *Helms*, 598 F.2d 1 (D.C. Cir. 1978). *See* also *e.g., Kasza* v. *Browner*, 133 F.3d 1159, 1166 (9th Cir. 1998) (quoting Halkin); *J. Roderick MacArthur Foundation* v. *Federal Bureau of Investigation*, 102 F.3d 600, 604 (D.C. Cir. 1996) (''As we have said before, ''intelligence gathering is akin to the

construction of a mosaic.'''' (citation omitted)).

In view of the primacy of Federal law in this area, it would make little sense for the release of potentially sensitive information concerning Service detainees to be subject to the vagaries of the laws of the various States within which those detainees are housed and maintained, by specific arrangement with the Service, for the United States. Application of State law in this area has the potential to threaten the Attorney General's mission. State law, unlike Federal law, may not be well adapted to the special national security, law enforcement, and privacy concerns implicated by the release of this type of information. This rule provides for a uniform Federal approach to ensure the consistent treatment of all Service detainees, including those being detained by non-Federal providers on behalf of the Service.

The rule also reflects the nature and origin of the information concerning the immigration detainees. When a non-Federal provider assumes responsibility for housing a detainee, it does so as an agent of the Federal government. The only reason that the non-Federal provider knows the detainees' names or other related information about them is because the Federal government has made such information available pursuant to that agency relationship. The non-Federal provider, as agent, should not release the principal's potentially sensitive information without its consent, particularly where doing so may be inconsistent with the principal's interests. Instead, the Service as principal should determine whether and under what circumstances such information should be released consistent with federal law.

This interim rule supersedes State or local law relating to the release of such information. *New York* v. *FERC*, __ U.S. __, 122 S.Ct. 1012 (March 4, 2002, No. 00–568); *Fidelity Federal Savings and Loan Assoc.* v. *De le Cuesta*, 458 U.S. 141, 153–54 (1982); *Louisiana Pub. Serv. Comm'n* v. *FCC*, 476 U.S. 355, 369 (1986); *Boyle* v. *United Technologies Corp.*, 487 U.S. 500, 504–507, 512 (1988).

This rule is similar to the existing regulations of the Federal Bureau of Prisons (''BOP''), 28 CFR 513.33—513.36, which provide that information regarding BOP inmates shall only be disclosed pursuant to Federal law. Section 513.34(b) of BOP's regulations specifically provides that ''Lists of Bureau inmates shall not be disclosed.'' See *Brady-Lunny* v. *Massey*, 185 F. Supp. 2d 928 (C.D. Ill. 2002). Although the BOP rule relating to contractors, 28 CFR 513.36(b), provides that the requirements relating to the privacy of inmate information are to be established and enforced by contract, this rule governing the disclosure of information pertaining to Service detainees specifically prohibits the non-Federal providers from disclosing such information themselves. Disclosure or release of the identity of Service detainees or other information relating to Service detainees information is solely the responsibility of the Service.

The rule specifically provides that it shall apply to all pending and future requests for disclosure of or proceedings concerning the release of the name, or related information, of detainees held on behalf of the Service, including requests that are the subject of proceedings or litigation as of the effective date of this rule. See *Smiley* v. *Citibank (South Dakota), N.A.*, 517 U.S. 735, 739–740 (1996); *Plaut* v. *Spendthrift Farm, Inc.*, 514 U.S. 211 (1995); *United States* v. *Morton*, 467 U.S. 822, 835–836 n. 21 (1984); *United States* v. *Schooner Peggy*, 1 Cranch 103, 110, 2 L.Ed. 49 (1801).

This rule does not alter the ability of a detainee to seek legal counsel under 8 U.S.C. 1362. A detainee has the privilege of seeking legal counsel or representation by an accredited representative at no expense to the United States. This rule imposes no restrictions on the ability of Service detainees to identify themselves or to communicate with others. It only prevents non-Federal providers from making public disclosures of information pertaining to the Service detainees that the non-Federal provider is housing on behalf of the Service. Such requests for public disclosure of information pertaining to Service detainees should be directed to the Service.

Finally, this rule also changes Service regulations at Part 241, ''Apprehension and Detention of Aliens Ordered Removed,'' to make clear that the identity or other information relating to post-order detainees in non-federal institutions are governed by the same standards and principles as set forth in this rule.

Request for Comments

The Service is seeking public comments regarding this interim rule. The Service requests that parties interested in commenting on the provisions contained within this rule do so on or before June 21, 2002, as the Service will not extend the comment period.

Good Cause Exception

The Service's implementation of this rule as an interim rule, with provisions for post-promulgation public comments, is based on the ''good cause'' exceptions found at 5 U.S.C. 553(b)(B) and (d)(3). The reason and necessity for the immediate promulgation of this rule are as follows: Service detainees are often housed, maintained, or provided with service by non-Federal providers. Disclosure of the identities or related information about certain detainees could reveal investigative methods, sources, and witnesses. The detainee could be subjected to intimidation or harm, thereby discouraging or preventing him or her from supplying valuable information or leads now or in the future. Disclosure of a detainee's identity or information related to the detainee could deter these individuals from cooperating with the Department of Justice now or after they are released from custody for fear of retaliation by terrorist organizations against them or their family members and associates. Disclosure could reveal important information about the direction, progress, focus and scope of investigations arising out of the attack on September 11, 2001, and thereby assist terrorist organizations in counteracting investigative efforts of the United States. Therefore, the actual identity of a detainee and information related to such a detainee must be managed by the Service.

In order to safeguard these important interests, the Service must maintain control of the release of information pertaining to the identity of or other information related to Service detainees, including information in the control of persons or entities acting on behalf of the Service. In light of the national emergency declared by the President on September 14, 2001, in Proclamation 7453, with respect to the terrorist attacks of September 11, 2001, and the continuing threat by terrorists to the security of the United States, and the need immediately to control identifying or other information pertaining to Service detainees, there is good cause under 5 U.S.C. 553(b) and (d) for dispensing with the requirements of prior notice and to make this rule effective upon April 17, 2002.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact

on a substantial number of small entities. This rule applies only to release of information about Service detainees being housed or maintained in a state or local government entity or a privately operated detention facility. It does not have any adverse impact on small entities as that term is defined in 5 U.S.C. 601(6).

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 12866

This rule is considered by the Department of Justice, Immigration and Naturalization Service, to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review. Accordingly, this rule has been submitted to the Office of Management and Budget for review.

Executive Order 13132

This rule will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. This rule merely pertains to the public disclosure of information concerning Service detainees housed, maintained or otherwise served in state or local government or privately operated detention facilities under any contract or other agreement with the Service. In effect, the rule will relieve state or local government entities of responsibility for the public release of information relating to any immigration detainee being housed or otherwise maintained or provided service on behalf of the Service. Instead, the rule reserves that responsibility to the Service with regard to all Service detainees. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient Federalism implications to warrant the preparation of a federalism summary impact statement.

Executive Order 12988, Civil Justice Reform

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

Paperwork Reduction Act

This rule does not impose any new reporting or recordkeeping requirements under the Paperwork Reduction Act.

List of Subjects

8 CFR Part 236

Administrative practice and procedure, Aliens, Immigration.

8 CFR Part 241

Administrative practice and procedure, Aliens, Immigration.

Accordingly, chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 236—APPREHENSION AND DETENTION OF INADMISSIBLE AND DEPORTABLE ALIENS; REMOVAL OF ALIENS ORDERED REMOVED

1. The authority citation for part 236 is revised to read as follows:

Authority: 5 U.S.C. 301, 552, 552a; 8 U.S.C. 1103, 1182, 1224, 1225, 1226, 1227, 1231, 1362; 18 U.S.C. 4002, 4013(c)(4); 8 CFR part 2.

2. Section 236.6 is added to read as follows:

§ 236.6 Information regarding detainees.

No person, including any state or local government entity or any privately operated detention facility, that houses, maintains, provides services to, or otherwise holds any detainee on behalf of the Service (whether by contract or otherwise), and no other person who by virtue of any official or contractual relationship with such person obtains information relating to any detainee, shall disclose or otherwise permit to be made public the name of, or other information relating to, such detainee. Such information shall be under the control of the Service and shall be subject to public disclosure only pursuant to the provisions of applicable federal laws, regulations and executive orders. Insofar as any documents or other records contain such information, such documents shall not be public records. This section applies to all persons and information identified or described in it, regardless of when such persons obtained such information, and applies to all requests for public disclosure of such information, including requests that are the subject of proceedings pending as of April 17, 2002.

PART 241—APPREHENSION AND DETENTION OF ALIENS ORDERED REMOVED

3. The authority citation for part 241 is revised to read as follows:

Authority: 5 U.S.C. 301, 552, 552a; 8 U.S.C. 1103, 1182, 1223, 1224, 1225, 1226, 1227, 1231, 1251, 1253, 1255, 1330, 1362; 18 U.S.C. 4002, 4013(c)(4); 8 CFR part 2.

4. Section 241.15 is added to read as follows:

§ 241.15 Information regarding detainees.

Disclosure of information relating to detainees shall be governed by the provisions of § 236.6 of this chapter.

Dated: April 17, 2002.

James W. Ziglar,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 02–9863 Filed 4–18–02; 2:59 pm]

BILLING CODE 4410–10–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–NM–80–AD, Amendment 39–12724; AD 2002–06–53]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A319, A320, A321, A330, and A340 Series Airplanes Equipped With Certain Thales Avionics Digital Distance and Radio Magnetic Indicators (DDRMIs)

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting airworthiness directive (AD) 2002–06–53 that was sent previously to all known U.S. owners and operators of Airbus Model A319, A320, A321, A330, and A340 series airplanes equipped with certain Thales Avionics Digital Distance and Radio Magnetic Indicators (DDRMIs) by individual notices. This

AD requires deactivation of certain Thales Avionics DDRMIs. This action is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent failure of the DDRMI, which could cause the loss of data from the affected computers to other systems and degradation or total failure of the computers, leading to reduced ability to control the airplane in adverse conditions.

DATES: Effective April 29, 2002, to all persons except those persons to whom it was made immediately effective by emergency AD 2002–06–53, issued March 20, 2002, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 29, 2002.

Comments for inclusion in the Rules Docket must be received on or before May 22, 2002.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2002–NM–80–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-iarcomment@faa.gov*. Comments sent via fax or the Internet must contain ''Docket No. 2002–NM–80–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The applicable service information may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tim Dulin, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2141; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: On March 20, 2002, the FAA issued emergency AD 2002–06–53, which is applicable to Airbus Model A319, A320, A321, A330, and A340 series airplanes equipped with certain Thales Avionics DDRMIs.

The Direction Geńerale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on Airbus Model A319, A320, A321, A330, and A340 series airplanes, equipped with certain Thales Avionics DDRMIs.

The DGAC indicated that several operators have reported DDRMI circuit breaker tripping, followed by the loss of Very High Frequency Omni Range (VOR) and Distance Measuring Equipment (DME) sources for navigation and displays. Investigation has revealed that the DDRMI transformer short-circuited, leading to leakage of 115 volt alternating current (AC) to systems connected to DDRMI ARINC 429 input data busses.

The computers connected to the ARINC 429 bus that may be affected include VOR 1 and 2, DME 1 and 2, Automatic Direction Finder (ADF) 1 and 2, Display Management Computer (DMC) 1 and 2 and 3, Centralized Fault Display Interface Unit (CFDIU), Control and Display Unit—Air Data/Inertial Reference System (CDU–ADIRS), ADIRS 1 and 3, Fuel Quantity Indicating Computer (FQIC), Data Management Unit (DMU), Flight Augmentation Computer (FAC) 2, Flight Management and Guidance Computer (FMGC) 2, Braking and Steering Control Unit (BSCU), Spoiler and Elevator Computer (SEC) 2 and 3, Elevator and Aileron Computer (ELAC) 2, Multi Mode Receiver (MMR) 1, Centralized Maintenance Computer (CMC) 1 and 2, Flight Warning Computer (FWC) 1 and 2, and Multipurpose Control and Display Unit (MCDU) 2.

Failure of the DDRMI, if not corrected, could cause the loss of data from the affected computers to other systems and degradation or total failure of the computers, leading to reduced ability to control the airplane in adverse conditions.

Explanation of Relevant Service Information

Airbus has issued the following All Operators Telexes (AOTs) which describe procedures for deactivation of certain Thales Avionics DDRMIs:

- Airbus AOT A320–34A1262, dated March 19, 2002, applicable to certain Airbus Model A319, A320, and A321 series airplanes;
- Airbus AOT A330–34A3109, dated March 19, 2002, applicable to certain Airbus Model A330 series airplanes; and
- Airbus AOT A340–34A4120, dated March 19, 2002, applicable to certain Airbus Model A340 series airplanes.

The DGAC classified these AOTs as mandatory and issued French airworthiness directives T2002–150(B), dated March 19, 2002, applicable to Airbus Model A319, A320, and A321 series airplanes; and T2002–151(B), dated March 19, 2002, applicable to Airbus Model A330 and A340 series airplanes; in order to ensure the continued airworthiness of these airplanes in France.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Requirements of the Rule

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design registered in the United States, the FAA issued emergency AD 2002–06–53 to prevent failure of the DDRMI, which could cause the loss of data from the affected computers to other systems and degradation or total failure of the computers, leading to reduced ability to control the airplane in adverse conditions. The AD requires deactivation of certain Thales Avionics DDRMIs. The actions are required to be accomplished in accordance with the applicable Airbus AOT, except as described below.

Corrections to Emergency AD

The FAA has revised paragraph (b) of this AD to indicate that operators must submit requests for approval of alternative methods of compliance to the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA.

In addition, the FAA has included the date of Airbus AOT A320–34A1262 in the applicability of this AD. That date was inadvertently omitted from the applicability of the emergency AD.

Differences Between Foreign Airworthiness Directives and This AD

The French airworthiness directives apply both to airplanes on which DDRMIs with specified part numbers were installed in production since 1999, and also to other airplanes on which DDRMIs with these same part numbers have been repaired or replaced since 1999. This AD applies to airplanes equipped with Thales Avionics DDRMIs listed in the applicable Airbus AOTs, regardless of repair or replacement status. The FAA has determined that it is possible that a DDRMI could have been repaired or replaced and that the required retention period for maintaining such records may have expired. Therefore, operators may not be able to ascertain whether repair or replacement has been accomplished.

Since the FAA considers the unsafe condition resulting from failure of the DDRMI is far more critical than the operational consequences of deactivating the DDRMI, this AD mandates deactivation of all Thales Avionics DDRMIs listed in the applicable Airbus AOTs. Operators may request authorization to reactivate a particular DDRMI, if they have data to substantiate that the DDRMI is not susceptible to the failure condition identified in this AD.

In addition, the French airworthiness directives specify that dispatch with an inoperative standby compass (Master Minimum Equipment List item 34–22–02a) is limited to a ''B'' rectification interval. This AD does not contain this restriction because the FAA's Master Minimum Equipment List already limits an inoperative standby compass to a ''B'' rectification interval.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual notices issued on March 20, 2002, to all known U.S. owners and operators of Airbus Model A319, A320, A321, A330, and A340 series airplanes equipped with certain Thales DDRMIs. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective as to all persons.

Interim Action

This AD is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2002–NM–80–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, 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 adding the following new airworthiness directive:

2002–06–53 Airbus Industrie: Amendment 39–12724. Docket 2002–NM–80–AD.

Applicability: Model A319, A320, and A321 series airplanes equipped with Thales Avionics Digital Distance and Radio Magnetic Indicators (DDRMIs) having part numbers specified in paragraph 3.2 of Airbus All Operator Telex (AOT) A320–34A1262, dated March 19, 2002; Model A330 series airplanes equipped with Thales Avionics DDRMIs having part numbers specified in paragraph 3.2 of Airbus AOT A330–34A3109, dated March 19, 2002; and Model A340 series airplanes equipped with Thales Avionics DDRMIs having part numbers specified in paragraph 3.2 of Airbus AOT A340–34A4120, dated March 19, 2002.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the DDRMI, which could cause the loss of data from the affected computers to other systems and degradation or total failure of the computers, leading to reduced ability to control the airplane in adverse conditions, accomplish the following:

Deactivation of the DDRMI

(a) Within 7 days after the effective date of this AD, deactivate the DDRMI in accordance with Airbus All Operators Telex (AOT) A320–34A1262, dated March 19, 2002; Airbus AOT A330–34A3109, dated March 19, 2002; or Airbus AOT A340–34A4120, dated March 19, 2002; as applicable.

Note 2: Where there are differences between the Minimum Equipment List (MEL) and this AD, this AD prevails.

Alternative Methods of Compliance

(b) 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, International Branch, ANM–116, Transport Airplane Directorate, FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

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

Special Flight Permits

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

Incorporation by Reference

(d) The action shall be done in accordance with Airbus All Operator Telex A320–34A1262, dated March 19, 2002; Airbus All Operator Telex A330–34A3109, dated March 19, 2002; or Airbus All Operator Telex A340–34A4120, dated March 19, 2002; as applicable. (Only the first page of these documents contains the document number and date; no other page of the documents contains this information.) This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in French airworthiness directives T2002–150(B) and T2002–151(B), both dated March 19, 2002.

Effective Date

(e) This amendment becomes effective on April 29, 2002, to all persons except those persons to whom it was made immediately effective by emergency AD 2002–06–53, issued March 20, 2002, which contained the requirements of this amendment.

Issued in Renton, Washington, on April 15, 2002.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–9614 Filed 4–19–02; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ANM–34]

Revision of Class E Airspace, Greely, CO; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects a final rule published on February 15, 2002 (67 FR 7068), which revised the Class E airspace at Greely, CO. The final rule was published with an Airport Reference Point error in the legal description, which has made this correction necessary. This action corrects the coordinates for the airport reference point in the final rule legal description to reflect the current coordinates.

EFFECTIVE DATE: 0901 UTC, June 13, 2002.

FOR FURTHER INFORMATION CONTACT: Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 01–ANM–05, 1601 Lind Avenue SW., Renton, Washington, 98055–4056; telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION: On February 15, 2002, the FAA published a final rule that revised Class E airspace at Greely, CO (67 FR 7068). This action corrects the final rule airport reference point in the legal description to reflect the current coordinates.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the Class E airspace description at Greely, CO, as published in the **Federal Register** on February 15, 2002, (67 FR 7068), (Federal Register Document No. 02–3791 is corrected as follows:

§ 71.1 [Corrected]

ANM CO E5 Greely, CO [Corrected]

1. On page 7069, first column, in the airspace designation description, first line from the top of the column, correct ''Lat. 40°25′43″ N., long. 104°37′58″ W.'' to read ''Lat. 40°26′08″ N., long. 104°37′56″ W.''.

Issued in Seattle, Washington, on March 22, 2002.

Charles E. Davis,

Acting Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 02–9119 Filed 4–19–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01AWP29]

Amendment of Honolulu Class E5 Airspace Area Legal Description

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule; correction.

SUMMARY: The Federal Aviation Administration (FAA) published in the Federal Register of January 31, 2002, a document amending the legal description of Honolulu International Airport Class E5 airspace area. The amended description replaced all references to Naval Air Station (NAS Barbers Point with Kalaeloa, John Rogers Field. In this action FAA corrects a spelling error and incorrect coordinates in that amended description.

EFFECTIVE DATE: 0901 UTC, February 21, 2002.

FOR FURTHER INFORMATION CONTACT: Debra Trindle, Airspace Specialist, Airspace Branch, AWP–520.10, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6613.

SUPPLEMENTARY INFORMATION: The FAA published a document in the Federal Register of January 31, 2002, (67 FR 4655) amending the legal description of the Honolulu International Airport Class E5 airspace area. In FR Doc. 02–862, published in the Federal Register of January 31, 2002, the amended description of the Honolulu International Airport Class E5 airpace area replaced all references to Naval Air Station (NAS) Barbers Point with Kalaeloa, John Rogers Field. John Rogers Field was inadvertently misspelled. The correct spelling should be John Rodgers Field. Also, three coordinates listed in the legal description for the Honolulu International Airport Class E5 airspace area were incorrect. This document

corrects the spelling error and incorrect coordinates.

Class E airpace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9J dated August 31, 2001, and effective September 16, 2001, which is incorporated by reference in 14 CFR 71.1. The correct class E5 airspace designation listed in this document will be published subsequently in the order.

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follow:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9574, 3 CFR 1959–1963 Comp., p. 389.

§ 71.1 [Corrected]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9J, Airspace Designations and Reporting Points, dated August 31, 2001, and effective September 16, 2001, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth

* * * * *

AWP HI E5 Honolulu International Airport, HI [Corrected]

Honolulu International Airport, HI
(Lat 21°19′07″N., long. 157°55′21″W.)
Kalaeloa John Rodgers Field
(Lat 21°18′26″N., long. 158°04′13″W.)
Honolulu VORTAC
(Lat 21°18′30″N., long. 157°55′50″W.)

That airspace extending upward from 700 feet above the surface south and southeast of Honolulu International Airport beginning at lat. 21°20′19″N., long 157°51′05″W., thence south to lat. 21°15′19″N., long. 157°49′05″W., thence east along the shoreline to where the shoreline intercepts the Honolulu VORTAC 15-mile radius, then clockwise along the 15-mile radius of the Honolulu VORTAC to intercept the Honolulu VORTAC 241° radial, then northeast bound along the Honolulu VORTAC 241° radial to intercept the 4.3-mile radius south of Kalaeloa John Rodgers Field, then counterclockwise along the arc of the 4.3-mile radius of Kalaeloa John Rodgers Field to and counterclockwise along the arc of a 5-mile radius of the Honolulu VORTAC to the Honolulu VORTAC 106° radial, then westbound along the Honolulu 106° radial to the 4-mile radius of the Honolulu VORTAC, then counterclockwise along the 4-mile radius to intercept the Honolulu VORTAC 071° radial, thence to the point of beginning and that airspace beginning at lat. 21°10′25″N., long. 158°11′22″W.; to lat 21°16′05″N., long. 158°14′35″W.; to lat. 21°16′30″N., long. 158°13′46″W.; to lat 21°16′50″N., long. 158°00′00″W., to the point of beginning.

* * * * *

Issued in Los Angeles, California, on March 22, 2002.

John Clancy,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 02–9118 Filed 4–19–02; 8:45 am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX–139–1–7554; FRL–7172–9]

Approval and Promulgation of Air Quality State Implementation Plans; Texas: Agreed Orders Issued to Airlines, Memoranda of Agreement With Owners and Operators of Major Airports, and a Revised Emissions Inventory Regarding Control of Pollution From Ground Support Equipment for the Dallas/Fort Worth Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is approving a State Implementation Plan (SIP) revision which includes Agreed Orders with major airlines and Memoranda of Agreement (MOA) requiring owners and operators at major airports in the DFW area to implement reductions in oxides of nitrogen (NO_X) emissions from Ground Support Equipment (GSE). The EPA is also approving a revised GSE emissions inventory for the DFW ozone nonattainment areas.

These Agreed Orders and MOAs will contribute to attainment of the ozone standard in the DFW ozone nonattainment area. The EPA is approving these revisions to the Texas SIP to regulate emissions of NO_X in accordance with the requirements of the Federal Clean Air Act (ACT).

DATES: This final rule is effective on May 22, 2002.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations. Persons interested in examining these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. Texas Natural Resource Conservation Commission, 12100 Park 35 Circle, Austin, Texas 78753.

FOR FURTHER INFORMATION CONTACT: Herbert R. Sherrow, Jr., Air Planning Section (6PD–L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–7237.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means EPA.

What Is the Background for This Action?

The Texas Natural Resource Conservation Commission (TNRCC) submitted the Agreed Orders and MOAs with airlines and airport owners and operators along with the repeal of the GSE rule on July 2, 2001.

The TNRCC submitted a SIP revision with a revised GSE emissions inventory based on a more detailed survey of local GSE equipment on October 15, 2001.

For further discussion of these submittals, see the proposed approval, 67 FR 5078, February 4, 2002, and the related Technical Support Document.

A proposed approval of the Agreed Orders and MOAs issued to airport owners and airlines regarding pollution controls on GSE and the revised GSE emissions inventory for the DFW area were published at 67 FR 5078, February 4, 2002. We also indicated that we could not take final action on the State's GSE rule, previously submitted, since the State had withdrawn the rule.

What Is Included in the State's Agreed Orders, MOAs and Revised Emissions Inventory?

The State signed Agreed Orders with American Airlines/American Eagle Airlines, Delta Airlines, and Southwest Airlines; and MOAs with the City of Dallas, the City of Fort Worth, and the Dallas/Fort Worth International Airport Board. The Agreed Orders and MOAs make specific local NO_X emission reductions from sources under the control of the airlines and owners and operators enforceable.

The revised emissions inventory, upon which the reductions are based, was compiled from a comprehensive survey of GSE equipment at the airports.

What Comments Did EPA Receive in Response to the Proposed Approval of Agreed Orders, MOAs, and a Revised Emissions Inventory for DFW Ground Support Equipment?

We received no adverse comments in response to the proposed action. We

received comments from the Air Transport Association in support of our action as long as we did not act on the repealed GSE rule. We appreciate the support. The state has withdrawn the rule so we are taking no further action on the rule.

EPA's Rulemaking Action

We are granting final approval of Texas' Agreed Orders and MOAs requiring owners and operators at major airports in the DFW area to implement reductions in NO_X emissions for sources under their control and we are granting final approval of the revised GSE emissions inventory. We are also reiterating our determination that we cannot take action on the State's withdrawn GSE rule.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4).

This rule also does not have tribal implications because it will 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). This action also does not have Federalism implications because 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (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. 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 the rule in this action 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). In addition, section 804 exempts from section 801 the following types of rules: (1) Rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding the Orders contained in this action under section 801 because this is a rule of particular applicability.

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 June 21, 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 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

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

Dated: April 4, 2002.

Gregg A. Cooke,

Regional Administrator, Region 6.

Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

1. The authority for citation for part 52 continues to read as follows:

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

Subpart SS—Texas

2. Section 52.2270 is amended:

a. In the table in paragraph (d) entitled ''EPA Approved Texas Source-Specific Requirements'' by adding to the end of the table Agreed Order No. 2000–1149–SIP for American Airlines, Inc./American Eagle Airlines, Inc., Agreed Order No. 2001–0221–AIR for Delta Airlines, and Agreed Order 2001–0222–AIR for Southwest Airlines;

b. In the table in paragraph (e) entitled ''EPA Approved Nonregulatory Requirements'' by adding to the end of the table the City of Dallas Memorandum of Agreement, the City of Fort Worth Memorandum of Agreement, and the Dallas/Fort Worth International Airport Board Memorandum of Agreement.

The additions read as follows:

§ 52.2270 Identification of plan.

* * * * *

(d) * * *

EPA APPROVED TEXAS SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit or Order No.	State effective date	EPA approval date	Comments
* *	*	*	*	* *
American Airlines, American Eagle Airlines at D/FW International airport, Texas.	Agreed Order No. 2000–1149–SIP.	5/23/2001	*[Insert publication date and Federal Register cite].*	DFW, Texas 1–hour ozone standard attainment demonstrations.
Delta Airlines at D/FW International Airport, Texas.	Agreed Order No. 2001–0221–AIR.	5/23/2001	*[Insert publication date and Federal Register cite].*	DFW, Texas 1–hour ozone standard attainment demonstrations.
Southwest Airlines at Love Field, Texas.	Agreed Order No. 2001–0222–AIR.	5/23/2001	*[Insert publication date and Federal Register cite].*	DFW, Texas 1–hour ozone standard attainment demonstrations.

(e) * * *

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal effective date	EPA approval date	Comments
* *	*	*	*	* *
Memorandum of Agreement between TNRCC and the City of Dallas, Texas.	Dallas/Fort Worth Ozone Nonattainment Area.	5/23/2001	*[Insert publication date and Federal Register cite].*	DFW, Texas 1-hour ozone standard attainment demonstrations.
Memorandum of Agreement between TNRCC and the City of Fort Worth, Texas.	Dallas/Fort Worth Ozone Nonattainment Area.	5/23/2001	*[Insert publication date and Federal Register cite].*	DFW, Texas 1-hour ozone standard attainment demonstrations.
Memorandum of Agreement between TNRCC and the D/FW International Airport Board, Texas.	Dallas/Fort Worth Ozone Nonattainment Area.	5/23/2001	*[Insert publication date and Federal Register cite].*	DFW, Texas 1-hour ozone standard attainment demonstrations.

[FR Doc. 02–9492 Filed 4–19–02; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–7174–4]

Wisconsin: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of Immediate final rule.

SUMMARY: We are withdrawing the immediate final rule for Wisconsin: Final Authorization of State Hazardous Waste Management Program Revision published on March 1, 2002, which approved changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). We stated in the immediate final rule that if we received written comments that oppose this authorization during the comment period, we would publish a timely withdrawal in the **Federal Register**. Subsequently, we received comments that oppose this action. We will address these comments in a subsequent final action based on the proposed rule also published on March 1, 2002, at 67 FR 9427.

DATES: As of April 22, 2002, we withdraw the immediate final rule published on March 1, 2002 at 67 FR 9406.

FOR FURTHER INFORMATION CONTACT: Jean Gromnicki, Wisconsin Regulatory Specialist, U.S. EPA Region 5, DM–7J, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6162.

SUPPLEMENTARY INFORMATION: Because we received written comments that oppose this authorization, we are withdrawing the immediate final rule for Wisconsin: Final Authorization of State Hazardous Waste Management Program Revision published on March 1, 2002, at 67 FR 9406, which intended to grant authorization for revision to Wisconsin's hazardous waste program under the Resource Conservation and Recovery Act (RCRA). We stated in the immediate final rule that if we received written comments that oppose this authorization during the comment period, we would publish a timely notice of withdrawal in the **Federal Register**. Subsequently, we received comments that oppose this action. We will address all comments in a subsequent final action based on the proposed rule previously published on March 1, 2002, at 67 FR 9427. We will not provide for additional comment during the final action.

Dated: April 11, 2002.

William E. Muno,

Acting Regional Administrator, Region 5.

[FR Doc. 02–9789 Filed 4–19–02; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 1000

RIN 0970–ACO8

Office of Community Services; Individual Development Accounts

AGENCY: Office of Community Services, Administration for Children and Families, HHS.

ACTION: Correcting amendments.

SUMMARY: The Administration for Children and Families is correcting the final rule on Accounting for Amounts in Reserve Funds published on September 25, 2001 in the **Federal Register** (66 FR 48970).

DATES: Effective April 22, 2002.

FOR FURTHER INFORMATION CONTACT: Sheldon Shalit, Office of Community Services, (202) 401–4807, or Richard Saul, Office of Community Services, (202) 401–9341. Hearing impaired individuals may call the Federal Dual Party Relay Service at 800–877–8339 between 8:00 a.m. and 7:00 p.m. eastern time.

SUPPLEMENTARY INFORMATION

I. Background

On September 25, 2001, the Office of Community Services published the final rule on Accounting for Amounts in Reserve Funds as required by the Assets for Independence Act (the Act), or title IV of Pub. L. 105–285 in the **Federal Register** (66 FR 48970). The final rule creates a new Part 1000 in the Code of Federal Regulations, defines the eligible entities and individuals that may participate in the Individual Development Account (IDA) program. The final rule also stipulates that grantees must comply with Departmental uniform administrative requirements in maintaining IDA reserve funds. The effective date of the rule was September 25, 2001.

II. Need for Technical Corrections in 45 CFR Part 1000

In reviewing the final rule, we have identified technical errors resulting from statutory changes made by amendments to the original statute on December 21, 2000, through the Assets for Independence Act Amendments of 2000 (Pub. L. 106–554). The amendments modified definitions and changed allowable program expenditures for administrative costs. The change in allowable expenditures for administrative costs alters the statutorily-mandated amount grantees must deposit in the reserve fund. We are making these technical, conforming amendments to correct and clarify the regulation.

Regulatory Text

We have made the following change to the regulatory text:

- We are revising the definition of Reserve Fund to be consistent with the Act, as amended. In the definition of reserve fund at § 1000.2, the definition refers to the requirements at section 407 of Pub.L. 105–285 that at least 90.5 percent of the Federal grant funds in the Reserve Funds must be used as matching contributions for Individual Development Accounts. This provision was amended by the Assets for Independence Act Amendments (AFIA) (Pub.L. 106–554) to allow grantees to use up to 15 percent of their grant for administrative costs. Therefore, no less than 85 percent of the grant can used for matching contributions, rather than the 90.5 percent under previous law. Therefore, the definition of Reserve Fund at § 1000.2 is revised to be consistent with the statute.

Impact Analysis

No impact analysis is needed for these technical corrections. The impact of the necessary corrections falls within the analysis of the final rule published in the **Federal Register** on September 25, 2001 (66 FR 48970).

List of Subjects in 45 CFR Part 1000

Grant Programs/Social Programs.

(Catalog of Federal Domestic Assistance Programs No. 93.602, Individual Development Account/Assets for Independence)

Dated: April 8, 2002.

Ann C. Agnew,

Executive Secretary to the Department.

For the reasons set forth in the preamble, 45 CFR part 1000 is amended by making the following technical corrections:

PART 1000—Individual Development Account Reserve Funds Established Pursuant to Grants for Assets for Independence

1. The authority citation for Part 1000 continues to read as follows:

Authority: 42 U.S.C. 604nt.

2. Section 1000.2 is amended by revising the definition of *Reserve Fund* to read as follows:

§ 1000.2 Definitions.

Reserve Fund means a fund, established by a qualified entity, that shall include all funds provided to the qualified entity from any public or private source in connection with the demonstration project and the proceeds from any investment made with such funds. The fund shall be maintained in accordance with section 407(c)(3), as amended. No less than 85 percent of the Federal grant funds in the Reserve Fund shall be used as matching contributions for Individual Development Accounts.

[FR Doc. 02–8990 Filed 4–19–02; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–01–10381]

RIN 2127–AI69

Federal Motor Vehicle Safety Standards; Interior Trunk Release

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule; response to petitions for reconsideration.

SUMMARY: This document responds to two petitions for reconsideration by Porsche Cars North America, Inc., and Ferrari S.p.A of a new Federal motor vehicle safety standard that requires passenger cars with a trunk to be equipped with a release latch inside the trunk compartment. Porsche requested that the agency exclude the cars having a front trunk with a front-opening lid from the standard. Both petitioners asked that the performance requirements applicable to these cars be revised. In addition, Ferrari asked that manufacturers of these cars be given additional lead time to bring them into compliance. The agency is denying the request to exclude these cars from the standard and the request to grant their manufacturers additional lead time. However, it is granting the request to modify the performance requirements by increasing the speed threshold at which the interior release of a front trunk with a front-opening lid must release only the primary latch.

The petitioners also requested that the agency modify the requirement that manufacturers irrevocably select a compliance option by the time they certify compliance to permit a manufacturer to modify or replace the interior trunk release system during the production period of a model. The agency believes this change is

unnecessary for the purposes for which it is being sought. Finally, the petitioners requested that the agency issue detailed test procedures as soon as possible. NHTSA is developing detailed test procedures and will publish them as soon as possible.

DATES: Effective: August 30, 2002. If you wish to petition for reconsideration of this final rule, you must submit your petition so that we receive it not later than June 6, 2002.

ADDRESSES: Petitions for reconsideration should refer to the docket number above and be submitted to: Administrator, Room 5220, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: For technical and policy questions: Kenneth O. Hardie, Office of Crash Avoidance Standards, NHTSA, 400 Seventh Street, SW., Washington, DC 20590 (Telephone: 202–366–6987) (Fax: 202–493–2739).

For legal questions: Dion Casey, Office of Chief Counsel, NHTSA, 400 Seventh Street, SW., Washington, DC 20590 (Telephone: 202–366–2992) (Fax: 202–366–3820).

SUPPLEMENTARY INFORMATION:

I. Background

Trunk entrapment can occur in two different ways: accidentally, such as when a child playing a game climbs into a trunk and pulls down the lid; and intentionally, such as when a criminal forces a person into a trunk. NHTSA has documented 21 cases of individuals who died from accidental trunk entrapment from 1987 to 1999. Twenty of these cases involved the death of a child six years of age or less. Eleven of these children died in three separate incidents during a three-week period between July and August of 1998 when they locked themselves in the rear trunks of passenger cars.

On October 20, 2000, NHTSA published a final rule establishing a new Federal Motor Vehicle Safety Standard No. 401, Interior Trunk Release, to address the problem of trunk entrapment. (65 FR 63014). Standard No. 401 provides persons who become trapped inside a passenger car trunk with a chance to escape. The standard requires all new passenger cars with a trunk compartment to be equipped with a trunk release inside the compartment. Manufacturers may comply with the standard by installing either a manual release latch, or an automatic release system, i.e., one that detects the presence of a person in the trunk and automatically unlatches the trunk lid.

In response to petitions for reconsideration of that final rule, NHTSA made several amendments to the standard. (66 FR 43113, August 17, 2001). The agency excluded passenger cars with a back door, such as hatchbacks and station wagons, from having to comply with the requirements of the standard. The agency also revised the definitions of ''trunk lid'' and ''trunk compartment'' to exclude interior storage compartments and sub-compartments within the trunk compartment from the requirements of the standard.

Finally, the agency addressed issues associated with vehicles with front trunk compartments. Standard No. 113, Hood Latch System, requires front-opening hoods that, in any open position, partially or completely obstruct a driver's forward view through the windshield to be provided with a secondary latch position on the hood latch system or with a second hood latch system. The purpose of Standard No. 113 is to prevent front-opening hoods from flying open and obstructing the driver's view while the vehicle is moving forward. However, notwithstanding Standard No. 113, S4.3 of Standard No. 401 originally required the interior trunk release mechanism to ''completely release the trunk lid from all latching positions of the trunk lid latch, notwithstanding the requirements of any other'' FMVSS.

Porsche Cars North America, Inc. (Porsche), which manufactures several passenger car models that have front trunks with front-opening lids, submitted a petition for reconsideration. In its petition, Porsche argued that having a trunk release mechanism that unlocks or opens a front-opening trunk lid from all latching positions or latches while the vehicle is in motion results in risk of injuring the driver, passengers, person trapped in the front trunk, and other motorists whether the release functions as intended or inadvertently. Thus, Porsche requested that NHTSA modify S4.3 of Standard No. 401 to indicate that, for front-opening front trunk lids, only the primary latch need be completely released.

Porsche asked that if NHTSA denied this request, the agency provide manufacturers the option of disabling the front trunk's interior release system when the passenger car is in motion. Porsche stated that it currently deactivates the standard electro-mechanical hood release on its passenger cars when they have obtained a speed of 5 km/h ± 2 km/h.

NHTSA granted Porsche's request to modify S4.3 of Standard No. 401. The agency added a paragraph indicating that in passenger cars with front-opening trunk lids, the interior trunk release must release the primary, but not the secondary, latch when the passenger car is in motion (at a speed of 3 km/h or more). At all other times, the interior trunk release must completely release all latches. The agency gave manufacturers of vehicles with front trunk compartments an additional year to comply with the standard. These amendments described above took effect on September 1, 2001, except the amendment to S4.3, which takes effect on September 1, 2002.

II. Petitions for Reconsideration and NHTSA's Responses

NHTSA received petitions for reconsideration of the August 17, 2001 final rule from Porsche and Ferrari S.p.A. (Ferrari). The issues they raised are addressed below.

A. Application

Porsche requested that the agency exclude passenger cars that have a front trunk with a front-opening lid from Standard No. 401. Porsche stated:

> The probability of a child becoming trapped in a front trunk is substantially less than for the typical passenger car with a rear trunk. First, for entrapment to occur one has to be cognizant of the fact that the trunk is located in the front of the car, second the front lid requires considerable skill to open, and third an application of a significant force is required to fully latch the compartment. Most vehicles with front located trunks are high performance vehicles and rarely used as the primary means of transportation. Such cars are generally carefully garaged and kept away from areas where the vehicle could be damaged or misused.

Porsche also noted that the Expert Panel on Trunk Entrapment, which was formed prior to the Standard No. 401 Notice of Proposed Rulemaking (NPRM) to study the problem of trunk entrapment, did not address front trunks and did not receive any data indicating that persons have died as a result of their being accidentally or intentionally locked in front trunk compartments.

NHTSA is denying this request. The agency notes that Porsche made similar arguments in its comments to the Standard No. 401 NPRM. The agency responded to those arguments in the October 20, 2000 final rule as follows: ''The fact that the trunk compartment is located at the front of the vehicle does not reduce the need for an entrapped individual, especially a small child, to be able to escape the trunk when entrapped.'' (65 FR 63018).

The agency has no reports of individuals who became accidentally trapped in front trunks. While this may suggest that individuals are less likely to

become trapped in front trunks, the agency still believes that there is enough of a potential risk of inadvertent entrapment to warrant subjecting vehicles with front trunks to the requirements of Standard No. 401.[1] Moreover, Porsche's arguments do not address the problem of intentional entrapment. An individual who is intentionally trapped in a trunk must be able to escape regardless of whether the trunk is located in the front or rear of the vehicle. For these reasons, the agency is denying Porsche's request to exclude passenger cars that have a front trunk with a front-opening lid from Standard No. 401.

B. Performance Requirements

1. Releasing Only the Primary Latch

S4.3(b) of Standard No. 401 reads:

> For passenger cars with a front trunk compartment that has a front opening hood required to have a secondary latch position, actuation of the release mechanism required by paragraph S4.1 of this standard when the car is in motion (at a speed of 3 km/h or more) must release the primary latch position, but not the secondary latch position. At all other times, actuation of the release mechanism required by paragraph S4.1 of this standard must completely release the trunk lid from all latching positions of the trunk lid latch. The passenger cars described in this paragraph are excluded from the requirements of this standard until September 1, 2002.

Porsche requested that the agency amend S4.3(b) to require the release of only the primary latching position under all conditions, i.e., whether the passenger car is stationary or moving at any speed. Porsche claimed that inadvertent openings cannot be completely eliminated since luggage or other items in the trunk compartment could trip the internal trunk release, causing the front hood to fly up and obstruct the driver's view. Porsche also posed the following potential situation:

> [A]fter the latch has been released completely from all latch positions, with the vehicle stationary or moving at a speed of less than 3 km/h, a driver could start or continue driving, although an entrapped child might not be able to escape. For example, while the vehicle is stopped at a red light, an entrapped child releases the internal trunk release, but might be unable to climb out. If the driver continued driving, after the traffic light has turned green, the hood would fly open and obstruct the driver's view.

Porsche stated that requiring the release of only the primary latch under all conditions would eliminate the consequences of inadvertent openings when the vehicle is in motion while still providing fresh air, a way to release heat from the trunk, and a visual indication that something is amiss. It also would allow the trapped individual to be heard.

The agency notes that Porsche raised similar issues in its petition for reconsideration of the October 20, 2000 final rule. In the August 17, 2001 final rule responding to petitions for reconsideration, the agency stated:

> As NHTSA stated in the preamble to the final rule, the agency believes that allowing a trapped person to get out of the trunk is paramount. However, NHTSA recognizes the significant additional risk of completely releasing a front opening hood while the passenger car is in motion. The release of both the primary and secondary latches when the passenger car is in motion could result in the hood flying open and obstructing the driver's forward view through the windshield. In addition, if the driver were to apply the brakes in such a situation, the trapped person could be ejected from the trunk compartment.

(66 FR 43113, 43117).

However, the agency also noted that if it did not require the interior trunk release to completely release the trunk lid under at least some circumstances, victims of intentional entrapment would not be able to escape. The agency stated, ''Such victims would not be able to completely release the trunk lid and escape, at least not while the passenger car was in motion.'' (66 FR 43113, 43117). To address this, the agency required that the trunk lid open completely when the passenger car is stationary or moving at a speed (less than 3 km/h) at which a driver could safely stop if the front trunk lid opened and obstructed his or her view.

The agency believes that the reasons for requiring the interior trunk release to release the front trunk lid from all latching positions when the passenger car is stationary or moving at a speed of less than 3 km/h remain valid. While the situations described by Porsche may be possible, the agency believes that they are extremely unlikely. Accordingly, the agency is denying Porsche's request to amend S4.3 to require the interior release in front trunks to release only the primary latch, regardless of whether the vehicle is stationary or moving at any speed.

2. Speed Threshold and Tolerance

As noted above, S4.3(b) of Standard No. 401 requires the internal trunk release in passenger cars that have a front trunk with a front-opening lid to release only the primary latching position or latch system[2] when the passenger car is moving at a speed of 3 km/h or greater. When the passenger car is moving at speeds less than 3 km/h, or is stationary, the internal trunk release must release all of the latching positions or latch systems.

Ferrari claimed that this requirement is not technically feasible. Ferrari stated, ''Every physical system has a series of tolerances that define a ''gray zone'' for which the system status cannot reliably be predicted.'' Ferrari requested that NHTSA add a tolerance (e.g., ± 2 km/h) to the speed requirement in S4.3(b).

Ferrari also claimed that the 3 km/h speed threshold was too low and requested that it be increased to 5 km/h.

In setting the speed threshold at 3 km/h, NHTSA accepted Porsche's comment in its petition for reconsideration of the October 20, 2000 final rule that it currently deactivates the standard electromechanical hood release on its passenger cars when they have obtained a speed of 5 km/h ± 2 km/h. The agency selected 3 km/h as the low end of the speed range provided by Porsche. However, NHTSA realizes that this may be difficult to achieve. The agency also believes that there are no safety implications to raising the speed threshold to 5 km/h. Thus, to ease the engineering burden on manufacturers, the agency is granting Ferrari's request to raise the speed threshold to 5 km/h.

Accordingly, the agency is revising S4.3(b) to read as follows:

> (1) For passenger cars with a front trunk compartment that has a front opening trunk lid required to have a secondary latching position or latch system, actuation of the release mechanism required by paragraph S4.1 of this standard must result in the following:
>
> (i) When the passenger car is stationary, the release mechanism must release the trunk lid from all latching positions or latch systems;
>
> (ii) When the passenger car is moving forward at a speed less than 5 km/h, the release mechanism must release the trunk lid from the primary latching position or latch system, and may release the trunk lid from all latching positions or latch systems;
>
> (iii) When the passenger car is moving forward at a speed of 5 km/h or greater, the release mechanism must release the trunk lid from the primary latching position or latch system, but must not release the trunk lid from the secondary latching position or latch system.
>
> (2) The passenger cars described in paragraph S4.3(b)(1) are excluded from the

[1] Porsche notes that the Expert Panel on Trunk Entrapment did not specifically address front trunks. The agency believes that this is because the Panel simply did not differentiate between front and rear trunks.

[2] S4.2 of Standard No. 113, Hood Latch System requires front opening hoods to be provided with a ''second latch position'' or a ''second hood latch system.'' Thus, in this final rule, the agency will refer to both secondary latching positions and secondary latch systems.

requirements of this standard until September 1, 2002.

Thus, when a passenger car with a front trunk is stationary, the interior trunk release must completely release the trunk lid from all latching positions or latch systems. When the passenger car is moving forward at a speed less than 5 km/h, the interior trunk release must release the primary latching position or latch system, and may release all latching positions or latch systems. When the passenger car is moving forward at a speed of 5 km/h or greater, the interior trunk release must release only the primary latching position or latch system. This is equivalent to a 5 km/h tolerance.

3. Irrevocable Election

Standard No. 401 permits a manufacturer to comply by means of either a manual or automatic interior trunk release.[3] Since the requirements for manual and automatic releases are different, S4.1 of the standard requires a manufacturer to select which type of release it intends to use for certification purposes. The selection with respect to any particular vehicle may not later be changed. Similar irrevocable election requirements appear in other Federal Motor Vehicle Safety Standards. S4.1 reads as follows:

> Each passenger car with a trunk compartment must have an automatic or manual release mechanism inside the trunk compartment that unlatches the trunk lid. Each trunk release shall conform, at the manufacturer's option, to either S4.2(a) and S4.3, or S4.2(b) and S4.3. The manufacturer shall select the option by the time it certifies the vehicle and may not thereafter select a different option for the vehicle.

Ferrari requested that the agency modify the irrevocable election requirement to specify that a manufacturer may modify or replace the interior trunk release system during the production period of a model. Ferrari requested that the agency revise the last sentence of S4.1 to read: ''The manufacturer shall select the option by the time it certifies the vehicle.''

NHTSA believes this change is unnecessary. The agency inserted this requirement after it learned that one manufacturer intended to install both a manual and automatic interior trunk release in some of its model lines. In the absence of an irrevocable election requirement, this could have led to enforcement problems with respect to those vehicles. For example, if NHTSA tested the automatic release of one of these vehicles, and it did not meet the requirements for an automatic release, the agency could consider this a noncompliance. However, the manufacturer could then claim that it intended its manual system to be its means of compliance, making it necessary for the agency to re-test the vehicle. To avoid these problems, the agency added the irrevocable selection requirement.

NHTSA intended this requirement to apply only to vehicles with both a manual and automatic interior trunk release. If a vehicle is equipped with a manual release, the agency will test it to the requirements for a manual release. If it is equipped with an automatic release, the agency will test it to the requirements for an automatic release.

The irrevocable election requirement was not intended to preclude manufacturers from modifying or replacing the interior trunk release system during the production period of the model. For example, if a manufacturer equips a certain model line with a manual interior trunk release, but then during the production period (or model year) of that model line develops a compliant automatic release and decides to equip that model line with it for the rest of that production period, the irrevocable election requirement does not prohibit the manufacturer from doing so. As stated above, the agency will test the trunk release according to the appropriate requirements. It is only when a vehicle is equipped with both a manual and automatic release that the agency will need to know to which requirements (manual or automatic release) the manufacturer has certified the vehicle.

NHTSA believes this explanation addresses the situation raised by Ferrari. Accordingly, the agency believes it is unnecessary to modify S4.1.

4. Test Procedures

Ferrari expressed concern about test procedures in the following situations:

(1) Verifying that the interior release for a front trunk completely releases the lid when the vehicle is moving below the speed threshold. Ferrari claimed it is dangerous to use a person in such a situation because the person could be ejected from the trunk.

(2) Testing a vehicle with a trunk compartment big enough for a three-year-old child dummy to fit inside but not big enough for an adult. Ferrari stated it is not possible to use children to verify that the trunk release complies with the standard.

Ferrari requested that the agency issue a recommended certification test procedure as soon as possible.

The agency is developing test procedures and will issue them as soon as possible. However, the agency notes that it is not necessary to place an adult inside the trunk compartment to verify that a manual interior trunk release functions. This can be accomplished by using a remote control.

C. Lead Time

Ferrari requested that the agency grant manufacturers of passenger cars with a front trunk an additional three years of lead time (until September 1, 2004) to comply with the standard. Ferrari estimated that it would take that long to design, develop, and test a release that would meet the requirements of the standard.

NHTSA does not believe that designing an interior trunk release capable of meeting the requirements of Standard No. 401 as revised herein poses any particular challenges. The agency notes that Porsche has already developed a system that deactivates the standard electromechanical hood release on its passenger cars when they have obtained a speed of 5 km/h ± 2 km/h. The agency believes that this system can readily be modified to work with an interior trunk release so that it will meet the requirements of the standard. Moreover, the agency has already granted manufacturers of passenger cars with a front trunk an additional year of lead time to meet the requirements of the standard. Further, Porsche, in its petition for reconsideration of the August 17, 2001 final rule, did not request any additional lead time. Accordingly, the agency is denying Ferrari's request for an additional three years of lead time.

III. Rulemaking Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

Executive Order 12866, ''Regulatory Planning and Review,'' (58 FR 51735, October 4, 1993), provides for making determinations whether a regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and to the requirements of the Executive Order. The Executive Order defines a ''significant regulatory action'' as one that is likely to result in a rule that may:

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

[3] An automatic trunk release detects the presence of a person in the trunk and automatically releases the trunk lid.

State, local, or Tribal governments or communities;

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

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

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

This rulemaking document was not reviewed under Executive Order 12866. It is not ''significant'' within the meaning of the DOT Regulatory Policies and Procedures. It imposes no additional requirements or burdens on manufacturers. This document simply raises the speed threshold at which the interior trunk release in a vehicle equipped with a front-opening front trunk must release only the primary latch from 3 km/h to 5 km/h. Thus, a full regulatory evaluation is not warranted.

B. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). The Small Business Administration's regulations at 13 CFR part 121 define a ''small business,'' in part, as a business entity ''which operates primarily within the United States.'' (13 CFR 121.105(a)). No regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

As noted above, this final rule imposes no additional requirements or burdens on manufacturers. In the August 17, 2001 final rule responding to petitions for reconsideration, the agency imposed an additional requirement on manufacturers of passenger cars with front trunks. The agency stated that it was aware of only one manufacturer of such passenger cars, Porsche, and that Porsche did not qualify as a small entity. Thus, the agency concluded that the final rule would not have a significant economic impact on a substantial number of small entities.

In its petition for reconsideration of the August 17, 2001 final rule, Ferrari noted that other manufacturers (Ferrari, Lamborghini, and Lotus) manufacture passenger cars with front trunks. Ferrari stated, ''Consequently we cannot agree with your conclusion that the revised final rule will not have a significant impact on a substantial number of small entities.''

The agency notes that these manufacturers do not qualify as small businesses under the Small Business Administration's regulations at 13 CFR part 121. Moreover, even if these manufacturers did qualify as small businesses, for purposes of this analysis, three manufacturers would not constitute a substantial number.

Based on this analysis, I certify that this final rule will not have a significant economic impact on a substantial number of small entities.

C. National Environmental Policy Act

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action will not have any significant impact on the quality of the human environment.

D. Executive Order 13132 (Federalism)

Executive Order 13132 requires NHTSA 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.'' The Executive Order defines ''policies that have federalism implications'' 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 the Executive Order, the agency may not issue a regulation with 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, the agency consults with State and local governments, or the agency consults with State and local officials early in the process of developing the proposed regulation. NHTSA 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.

NHTSA has analyzed this rulemaking action in accordance with the principles and criteria set forth in Executive Order 13132. The agency has determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Accordingly, a Federalism Assessment has not been prepared.

E. Civil Justice Reform

This final rule will not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance that is not identical to the Federal standard, except to the extent that the State requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending, or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

F. Paperwork Reduction Act

This rule does not have any requirements that are considered to be information collection requirements as defined by the OMB in 5 CFR part 1320.

G. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) directs NHTSA to use voluntary consensus standards in its regulatory activities unless doing so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, and business practices) that are developed or adapted by voluntary consensus standards bodies, such as the Society of Automotive Engineers (SAE). The NTTAA directs NHTSA to provide Congress, through the OMB, explanations when the agency decides not to use available and applicable voluntary consensus standards.

There are no applicable voluntary consensus standards available at this time. NHTSA will consider any such standards if they become available.

H. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of more than $100 million annually. This final rule will not have any such impacts on those parties. As noted above, this final rule does not impose any additional burdens or requirements. Consequently, no Unfunded Mandates assessment has been prepared.

I. Regulation Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber Products, tires.

In consideration of the foregoing, NHTSA is amending part 571 as follows:

PART 571—[AMENDED]

1. The authority citation for part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 21411, 21415, 21417, and 21466; delegation of authority at 49 CFR 1.50.

2. In Section 571.401, S4.3 is amended by revising paragraph (b) to read as follows:

§ 571.401 Standard No. 401; Interior trunk release.

S4.3 * * *

(b)(1) For passenger cars with a front trunk compartment that has a front opening trunk lid required to have a secondary latching position or latch system, actuation of the release mechanism required by paragraph S4.1 of this standard must result in the following:

(i) When the passenger car is stationary, the release mechanism must release the trunk lid from all latching positions or latch systems;

(ii) When the passenger car is moving forward at a speed less than 5 km/h, the release mechanism must release the trunk lid from the primary latching position or latch system, and may release the trunk lid from all latching positions or latch systems;

(iii) When the passenger car is moving forward at a speed of 5 km/h or greater, the release mechanism must release the trunk lid from the primary latching position or latch system, but must not release the trunk lid from the secondary latching position or latch system.

(2) The passenger cars described in paragraph S4.3(b)(1) are excluded from the requirements of this standard until September 1, 2002.

Issued: April 16, 2002.

Jeffrey W. Runge,

Administrator.

[FR Doc. 02–9677 Filed 4–19–02; 8:45 am]

BILLING CODE 4910–59–P

Proposed Rules

Federal Register
Vol. 67, No. 77
Monday, April 22, 2002

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 354

9 CFR Parts 97 and 130

[Docket No. 00–087–1]

Fee Increases for Overtime Services

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to change the hourly rates charged for Sundays, holidays, or other overtime work performed by employees of the Animal and Plant Health Inspection Service (APHIS) for any person, firm, or corporation having ownership, custody, or control of animals, poultry, animal byproducts, germ plasm, organisms, vectors, plants, plant products, or other regulated commodities or articles subject to inspection, laboratory testing, certification, or quarantine under the regulations. We are proposing to increase these overtime rates for each of the fiscal years 2002 through 2006 to reflect the anticipated costs associated with providing these services during each year. Establishing the overtime rate changes in advance would allow users of APHIS' services to incorporate the rates into their budget planning. We are also proposing to make several nonsubstantive changes to the regulations that correct errors or inconsistencies.

DATES: We invite you to comment on this docket. We will consider all comments we receive that are postmarked, delivered, or e-mailed by June 21, 2002.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 01–087–1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road, Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 01–087–1. If you use e-mail, address your comment to *regulations@aphis.usda.gov*. Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and ''Docket No. 01–087–1'' on the subject line.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at *http://www.aphis.usda.gov/ppd/rad/webrepor.html*.

FOR FURTHER INFORMATION CONTACT: For information concerning Agricultural Quarantine and Inspection program operations, contact Mr. Colonel Locklear, Senior Staff Officer, PPQ, APHIS, 4700 River Road, Unit 60, Riverdale, MD 20737–1236; (301) 734–8372.

For information concerning Veterinary Services program operations, contact Dr. Karen James-Preston, Assistant Director, Technical Trade Services, National Center for Import and Export, VS, APHIS, 4700 River Road, Unit 40, Riverdale, MD 20737–1236; (301) 734–3261.

For information concerning user fee development, contact Ms. Kris Caraher, Accountant, User Fees Section, MRPBS, APHIS, 4700 River Road Unit 54, Riverdale, MD 20737–1231; (301) 734–8351.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR chapter III and 9 CFR chapter I, subchapters D and G, require inspection, laboratory testing, certification, or quarantine of certain animals, poultry, animal byproducts, germ plasm, organisms, vectors, plants, plant products, or other regulated commodities or articles intended for importation into, or exportation from, the United States. With some exceptions, which are explained below, when these services must be provided by an Animal and Plant Health Inspection Service (APHIS) employee on a Sunday or on a holiday, or at any other time outside the APHIS employee's regular duty hours, the Government charges an hourly overtime fee for the services in accordance with 7 CFR part 354 and 9 CFR part 97.

APHIS has not adjusted the hourly overtime rates for inspection, laboratory testing, certification or quarantine services since the publication in the **Federal Register** of a final rule on June 10, 1993 (58 FR 32433–32434, Docket No. 91–196–2). That rule increased overtime rates proportionate to, and as a result of, a January 1992 pay raise for Federal employees, which resulted in increased costs for the retirement system, health insurance, and travel, as well as increased costs associated with billing and collection. The June 1993 increase in overtime rates allowed APHIS to recover the costs of providing overtime services.

Based on changes to the costs associated with providing inspection, laboratory testing, certification, and quarantine services outside of an employee's normal tour of duty, the current overtime rates must be adjusted in order for APHIS to properly recover the full cost of providing these services. Therefore, we are proposing to establish the hourly overtime rates for fiscal years (FY) 2002 through 2006; the FY 2002 rates would become effective on the date specified in the final rule, the FY 2003 through FY 2006 rates would become effective on the first day of each of the fiscal years, and the FY 2006 rates would remain in effect until new rates were established. The overtime rate tables in this document, therefore, do not specify an end date for overtime rates that would become effective on October 1, 2005 (the beginning of FY 2006). Establishing the overtime rate changes in advance would allow users of APHIS' services to incorporate the rates into their budget planning. We plan to publish a notice in the **Federal Register** prior to the beginning of each fiscal year to remind and notify the public of the overtime rates charged for inspection, laboratory testing,

certification, and quarantine services for that particular fiscal year.

This proposed rule would amend the regulations by:

1. Establishing hourly overtime rates for each of the fiscal years 2002 through 2006 that are charged to a person, firm, or corporation having ownership, custody, or control of plants, plant products, animals, poultry, animal byproducts, germ plasm, organisms, vectors, or other regulated commodities or articles subject to certain inspection, laboratory testing, certification, or quarantine, who needs the services of an APHIS employee on a Sunday or holiday, or at any other time outside the employee's regular tour of duty; and

2. Establishing hourly overtime rates for each of the fiscal years 2002 through 2006 that are charged to an owner or operator of an aircraft for inspection or quarantine services provided by an APHIS employee at an airport outside of the regularly established hours of service.

The overtime rates proposed in this document are based on our review and cost analysis of the current fees, which indicated that increases are needed to ensure that the fees charged are adequate for APHIS to recover the cost of providing these overtime services. The cost analysis is based on our review of data such as anticipated costs due to increases in salaries and benefits of Federal employees, indirect costs, program management costs, billing and collection service costs, Agency overhead costs, and departmental charges.

Overtime Rate Components

We calculated our overtime rates to cover the full cost of providing inspection, testing, certification, or quarantine services at laboratories, border ports, ocean ports, rail ports, quarantine facilities, and airports outside of regularly established hours of service. The cost of providing these services includes direct and indirect costs. The direct costs are an employee's salary and specific benefits, which are APHIS' payment of the hospital insurance tax and its contribution to the Federal Insurance Contribution Act (FICA), and the Agency's costs for work performed at night. The indirect costs are area delivery costs, billing and collection costs, program direction and support costs, agency/management support costs, and central/departmental charges.

To calculate the proposed overtime rates, we identified and projected the direct costs in each of the fiscal years 2002 through 2006 for each of the following four overtime rate categories:

(1) Inspection, laboratory testing, certification, or quarantine of animals and animal or agricultural products or articles performed by an APHIS employee outside of his or her normal tour of duty on Saturdays, holidays, or weekdays;

(2) Inspection, laboratory testing, certification, or quarantine of animals and animal or agricultural products or articles performed by an APHIS employee outside of his or her normal tour of duty on Sundays;

(3) Commercial airline inspection services performed by an APHIS employee outside of his or her normal tour of duty on Saturdays, holidays, or weekdays; and

(4) Commercial airline inspection services performed by an APHIS employee outside of his or her normal tour of duty on Sundays.

We then identified and added the appropriate indirect costs to the direct costs to obtain the ''raw'' hourly overtime rates. For each of the four overtime rate categories, we then rounded these raw rates to the nearest whole dollar to arrive at the final hourly overtime rates. The following tables list the direct and indirect cost components for each of the four overtime rate categories.

TABLE 1.—PROPOSED OVERTIME RATES FOR INSPECTION, LABORATORY TESTING, CERTIFICATION, OR QUARANTINE OF ANIMALS AND ANIMAL OR AGRICULTURAL PRODUCTS OR ARTICLES PERFORMED BY AN APHIS EMPLOYEE OUTSIDE OF HIS OR HER NORMAL TOUR OF DUTY ON SATURDAYS, HOLIDAYS, OR WEEKDAYS

Cost components	Effective date of final rule–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Oct. 1, 2003–Sept. 30, 2004	Oct. 1, 2004–Sept. 30, 2005	Beginning Oct. 1, 2005
Direct cost components:					
Employee's salary	$31.75	$32.58	$33.69	$34.83	$36.02
Night differential	0.09	0.09	0.10	0.10	0.10
Hospital insurance tax	0.48	0.49	0.51	0.52	0.54
FICA	1.28	1.32	1.36	1.41	1.46
Indirect cost components:					
Area delivery	1.48	1.52	1.57	1.62	1.68
Billing and collection	1.35	1.39	1.44	1.49	1.54
Program direction and support	3.71	3.80	3.93	4.07	4.20
Agency/management support	2.18	2.24	2.31	2.39	2.47
Central/department charges	2.66	2.73	2.82	2.92	3.02
Hourly ''raw'' rate	44.98	46.16	47.73	49.35	51.03
Hourly rate rounded	45.00	46.00	48.00	49.00	51.00
Quarter hour rate	11.25	11.50	12.00	12.25	12.75

TABLE 2.—PROPOSED OVERTIME RATES FOR INSPECTION, LABORATORY TESTING, CERTIFICATION, OR QUARANTINE OF ANIMALS AND ANIMAL OR AGRICULTURAL PRODUCTS OR ARTICLES PERFORMED BY AN APHIS EMPLOYEE OUTSIDE OF HIS OR HER NORMAL TOUR OF DUTY ON SUNDAYS

Cost components	Effective date of final rule–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Oct. 1, 2003–Sept. 30, 2004	Oct. 1, 2004–Sept. 30, 2005	Beginning Oct. 1, 2005
Direct cost components:					
Employee's salary	$42.34	$43.44	$44.92	$46.44	$48.02
Night differential	0.12	0.12	0.13	0.13	0.14
Hospital insurance tax	0.64	0.65	0.68	0.70	0.72

TABLE 2.—PROPOSED OVERTIME RATES FOR INSPECTION, LABORATORY TESTING, CERTIFICATION, OR QUARANTINE OF ANIMALS AND ANIMAL OR AGRICULTURAL PRODUCTS OR ARTICLES PERFORMED BY AN APHIS EMPLOYEE OUTSIDE OF HIS OR HER NORMAL TOUR OF DUTY ON SUNDAYS—Continued

Cost components	Effective date of final rule–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Oct. 1, 2003–Sept. 30, 2004	Oct. 1, 2004–Sept. 30, 2005	Beginning Oct. 1, 2005
FICA	1.71	1.76	1.82	1.88	1.94
Indirect cost components:					
Area delivery	1.97	2.02	2.09	2.16	2.24
Billing and collection	1.35	1.39	1.44	1.49	1.54
Program direction and support	4.90	5.02	5.19	5.37	5.55
Agency/management support	2.88	2.95	3.05	3.16	3.27
Central/department charges	3.52	3.61	3.73	3.86	3.99
Hourly ''raw'' rate	59.43	60.96	63.05	65.19	67.41
Hourly rate rounded	59.00	61.00	63.00	65.00	67.00
Quarter hour rate	14.75	15.25	15.75	16.25	16.75

TABLE 3.—PROPOSED OVERTIME RATES FOR COMMERCIAL AIRLINE INSPECTION SERVICES PERFORMED BY AN APHIS EMPLOYEE OUTSIDE OF HIS OR HER NORMAL TOUR OF DUTY ON SATURDAYS, HOLIDAYS, OR WEEKDAYS

Cost components	Effective date of final rule–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Oct. 1, 2003–Sept. 30, 2004	Oct. 1, 2004–Sept. 30, 2005	Beginning Oct. 1, 2005
Direct cost components:					
Employee's salary	$31.75	$32.58	$33.69	$34.83	$36.02
Night differential	0.09	0.09	0.10	0.10	0.10
Hospital insurance tax	0.48	0.49	0.51	0.52	0.54
FICA	1.28	1.32	1.36	1.41	1.46
Indirect cost components:					
Area delivery	1.48	1.52	1.57	1.62	1.68
Billing and collection	1.35	1.39	1.44	1.49	1.54
Program direction and support	N/A	N/A	N/A	N/A	N/A
Agency/management support	N/A	N/A	N/A	N/A	N/A
Central/department charges	N/A	N/A	N/A	N/A	N/A
Hourly ''raw'' rate	36.43	37.39	38.67	39.97	41.34
Hourly rate rounded	36.00	37.00	39.00	40.00	41.00
Quarter hour rate	9.00	9.25	9.75	10.00	10.25

TABLE 4.—PROPOSED OVERTIME RATES FOR COMMERCIAL AIRLINE INSPECTION SERVICES PERFORMED BY AN APHIS EMPLOYEE OUTSIDE OF HIS OR HER NORMAL TOUR OF DUTY ON SUNDAYS

Cost components	Effective date of final rule–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Oct. 1, 2003–Sept. 30, 2004	Oct. 1, 2004–Sept. 30, 2005	Beginning Oct. 1, 2005
Direct cost components:					
Employee's salary	$42.34	$43.44	$44.92	$46.44	$48.02
Night differential	0.12	0.12	0.13	0.13	0.14
Hospital insurance tax	0.64	0.65	0.68	0.70	0.72
FICA	1.71	1.76	1.82	1.88	1.94
Indirect cost components:					
Area delivery	1.97	2.02	2.09	2.16	2.24
Billing and collection	1.35	1.39	1.44	1.49	1.54
Program direction and support	N/A	N/A	N/A	N/A	N/A
Agency/management support	N/A	N/A	N/A	N/A	N/A
Central/department charges	N/A	N/A	N/A	N/A	N/A
Hourly ''raw'' rate	48.13	49.38	51.08	52.80	54.60
Hourly rate rounded	48.00	49.00	51.00	53.00	55.00
Quarter hour rate	12.00	12.25	12.75	13.25	13.75

Direct Cost Components

Employee's Salary. The employee's salary covers APHIS' direct labor costs for the pay an employee earns when he or she provides inspection, laboratory testing, certification, or quarantine services outside of his or her normal tour of duty. We used the weighted average salary of GS–10 step 1 at all locations that provided these services during FY 2002 to obtain a weighted average salary of $44,181 per year. The salary of a GS–10 step 1 is the maximum amount at which overtime is paid to an employee for performing these services. We divided the average salary of $44,181 by 2,087 employee hours per year to obtain the average employee's salary amount of $21.17 per hour during normal tour of duty hours.

An APHIS employee is paid 1 1/2 times the normal employee's salary for services performed outside of his or her

normal tour of duty on Saturdays, holidays, or weekdays, and is paid twice the normal employee's salary for those services performed outside of his or her normal tour of duty on Sundays. Therefore, we multiplied the average employee's salary of $21.17 per hour by 1.5 to obtain the FY 2002 employee's salary of $31.75 per hour for work performed outside of an employee's normal tour of duty on Saturdays, holidays, and weekdays. We also multiplied the average employee's hourly salary by two to obtain the FY 2002 employee's salary of $42.34 per hour for those services performed outside of an employee's normal tour of duty on Sundays.

To account for anticipated increases in the cost of living during FYs 2003 through 2006, we added the 2.6 percent cost of living increase for FY 2003 and the 3.4 percent cost of living increases for FYs 2004 through 2006 that were projected in the President's Budget for FY 2003.

Night Differential. The night differential covers the Agency's costs for overtime work performed by an APHIS employee at night. This consists of the pay earned by an employee above the basic rate for regularly scheduled work performed at night between 6 p.m. and 6 a.m., and includes an employee's base pay, compensatory time, Sunday double time, and ''over 40'' overtime pay for overtime work performed at night.

To obtain the night differential portion of the overtime rates, we determined the percentage of total employee salary costs attributable to the night differential costs during FYs 1998 through 2000. The actual night differential costs of $30,071 were 0.29 percent of the total employee salary costs of $10,517,532 during that period. This percentage was then applied to the employee's salary for each overtime rate category. For example, the night differential costs of $0.09 per hour for FY 2003 for work performed on a holiday, Saturday, or weekday outside of an employee's normal tour of duty equals the FY 2003 employee's salary of $32.58 per hour for the same overtime rate category multiplied by 0.29 percent.

Personal Benefits. The personal benefits portion of the overtime rates are limited to those additional benefits that accrue to an APHIS employee as a result of the employee performing services specifically during overtime periods. These benefits are the hospital insurance tax and the FICA contributions made by the Agency.

The hospital insurance tax and the FICA contributions cover APHIS' costs for the U.S. Social Security System's Medicare Insurance and the U.S. Social Security System's Old Age, Survivor, Death Insurance (OASDI), respectively. The hospital insurance tax is used to help pay for an employee's hospital services during retirement. The Agency's FICA contributions help pay for an employee's insurance when they are eligible (usually at age 62), insurance for surviving spouses and/or children of deceased employees, and a part of the Social Security System's contribution to disability payments in certain cases.

Because the personal benefits portion of the overtime rates cost is limited to the hospital insurance tax and the FICA contributions made by the Agency, a full-blown benefits percentage was not applied in the same manner that a benefits percentage would be applied if those services were provided during an employee's normal tour of duty. To obtain the costs of the hospital insurance portion of the overtime rates, we determined the percentage of total employee salary costs attributable to the hospital insurance tax costs during FYs 1998 through 2000. The actual hospital insurance tax costs of $158,247 were 1.5 percent of the total employee salary costs of $10,517,532 during that period. This percentage was then applied to the employee's salary for each overtime rate category. For example, the hospital insurance tax amount of $0.49 per hour for FY 2003 for work performed by an employee on Saturdays, holidays, or weekdays outside of his or her normal tour of duty equals the FY 2003 employee's salary of $32.58 per hour for the same overtime rate category multiplied by 1.5 percent.

Similarly, to obtain the FICA portion of the overtime rates, we determined the percentage of total employee salary costs attributable to the FICA costs during FYs 1998 through 2000. The actual FICA costs of $425,118 was 4.04 percent of the total employee salary costs of $10,517,532 during that period. This percentage was then applied to the employee's salary for each overtime rate category. For example, the FICA amount of $1.32 per hour for FY 2003 for work performed on Saturdays, holidays, or weekdays by an employee outside of his or her normal tour of duty equals the FY 2003 employee's salary of $32.58 per hour for the same overtime rate category multiplied by 4.04 percent.

Indirect Cost Components

Area Delivery. Area delivery covers APHIS' costs for local clerical and administrative activities; indirect labor hours (supervision of personnel and time spent doing work that is not directly connected with the services but that is nonetheless necessary); travel and transportation for personnel; supplies, equipment, and other necessary items; training; general supplies for offices, washrooms, cleaning, etc.; contract services (such as guard service, maintenance, trash pickup, etc.); grounds maintenance; and utilities. Utilities include water, telephone, electricity, gas, heating, and oil. These costs are accumulated in a distributable account and an appropriate amount is charged to the overtime rates account throughout the year.

To obtain the area delivery costs portion of the overtime rates, we determined the percentage of total employee salary costs attributable to the area delivery costs during FYs 1998 through 2000. The actual area delivery costs of $490,117 were 4.66 percent of the total employee salary costs of $10,517,532 during that period. This percentage was then applied to the employee's salary for each overtime rate category. For example, the area delivery amount of $1.52 per hour for FY 2003 for work performed on a holiday, Saturday, or weekday outside of an employee's normal tour of duty equals the FY 2003 employee's salary of $32.58 per hour for the same overtime rate category multiplied by 4.66 percent.

Billings and Collections. The billings and collections portion of the overtime rates covers APHIS' costs for physically billing and collecting for services covered by the overtime rates. Billing costs are the costs of managing user fee accounts for our customers. Collections expenses include the costs of managing customer payments and accurately reflecting those payments in our accounting system.

To calculate the billings and collections portion of the overtime rates, we estimated our actual billings and collections costs for fiscal years 2002 through 2006 by identifying the specific employees who provide billing and collection services and estimating the percentage of time each of those employees will spend on user fee billings and collections for inspection, laboratory testing, certification, or quarantine services performed by an APHIS employee on a Sunday, holiday, or at any other time outside of the employee's normal tour of duty. We then added related billings and collections costs, such as credit bureau costs, mailing costs, materials, printing costs, and the cost of our accounting system.

Program Direction and Support. Program direction and support consists of management support at APHIS' headquarters and includes the costs of management support staff, directors'

offices, and regional offices. We used the APHIS standard overhead rate of 10.17 percent for program support net costs.

Agency/Management Support. Agency/management support includes the pro-rata share of the costs of certain Agency activities, including budget and accounting services, regulatory and legal services, Administrator's office costs, personnel services, public information services, and liaison with Congress. We used the APHIS standard agency support costs rate of 5.98 percent of total costs.

Central/Department Charges. This component includes APHIS' share, expressed as a percentage of the total cost, of services provided centrally by the United States Department of Agriculture (USDA). Services that the USDA provides centrally include the Federal Telephone Service, mail, National Finance Center processing of payroll and other money management, unemployment compensation, Office of Workers Compensation Programs, and central supply for storing and issuing commonly used supplies and USDA forms. The USDA notifies APHIS how much the agency owes for these services. We have included a pro-rata share of these USDA charges that is attributable to overtime services of 6.29 percent.

As is the case with all APHIS user fees, we intend to review, at least annually, the activities, programs, and fee assumptions for the user fees proposed in this document. We will publish any necessary adjustments in the **Federal Register**.

Hourly Overtime Rates

The regulations in 7 CFR 354.1(a)(1) and 9 CFR 97.1(a) contain the hourly overtime rates charged to any person, firm, or corporation having ownership, custody, or control of animals, poultry, animal byproducts, germ plasm, organisms, vectors, plants, plant products, or other regulated commodities subject to inspection, laboratory testing, certification, or quarantine under the regulations. We are proposing to amend 7 CFR 354.1(a)(1) and 9 CFR 97.1(a) to reflect the hourly overtime rates that would be charged for fiscal years 2002 through 2006. The table below shows the current and proposed hourly overtime rates.

TABLE 5.—CURRENT AND PROPOSED OVERTIME RATES (PER HOUR)

	Outside employee's normal tour of duty	Fiscal year					
		Current	Effective Date of Final Rule–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Oct. 1, 2003–Sept. 30, 2004	Oct. 1, 2004–Sept. 30, 2005	Beginning Oct. 1, 2005
Inspection, testing, certification, or quarantine of animals and animal or agricultural products.	Monday–Saturday and holidays.	$37.84	$45.00	$46.00	$48.00	$49.00	$51.00
	Sundays	47.96	59.00	61.00	63.00	65.00	67.00
Commercial airline inspection services.	Monday–Saturday and holidays.	30.64	36.00	37.00	39.00	40.00	41.00
	Sundays	39.36	48.00	49.00	51.00	53.00	55.00

These changes to the hourly overtime rates are the only substantive changes this proposed rule would make to the regulations in 7 CFR 354.1(a)(1) and 9 CFR 97.1(a) regarding overtime rates. Other provisions of the overtime rates for inspection, laboratory testing, certification, and quarantine services performed outside of an employee's normal tour of duty would continue to apply if these proposed overtime rates were made effective.

In addition to those overtime fees described above, APHIS also charges user fees for certain other services. The regulations in 7 CFR part 354 and 9 CFR part 130 set out user fees for other inspection and quarantine services provided by APHIS for the import and export of plants, plant products, animals, animal byproducts, or other regulated commodities or articles.

The user fees would not be affected by the overtime rate changes proposed in this rule. However, users who request import- or export-related services that are covered by flat rate user fees on a Sunday, holiday, or any time outside of an employee's normal tour of duty, and who are subject to the overtime rates set forth in 7 CFR 354.1 or 9 CFR 97.1, would be charged the hourly overtime rate changes proposed in this rule, in addition to the flat rate user fees. The overtime rates charged to users who request flat rate user fee services are set out in the table in 9 CFR 130.50(b)(3)(i). We would, therefore, amend the table in § 130.50(b)(3)(i) to reflect the overtime rates in proposed 7 CFR 354.1 and 9 CFR 97.1.

Miscellaneous

We are also proposing to reorganize several user fees listed in the table in 9 CFR 130.7. In a final rule published on August 28, 2000 (65 FR 51997–52010, Docket No. 97–058–2), and effective October 1, 2000, we reorganized the user fees listed in the table in § 130.7 by alphabetizing those user fees for animals transiting the United States. The original organization used prior to the August 2000 final rule presented these user fees in a more reader-friendly format. Therefore, we are proposing to amend the table in § 130.7 by returning to the original organization of the user fees for animals transiting the United States.

We are also proposing to correct a section reference within 9 CFR 130.20. In the August 2000 final rule cited in the previous paragraph, we consolidated all the hourly and premium hourly rate user fees for import and export services into one new section, § 130.30. As a result, several sections were removed and reserved, including § 130.21. When we made that change, however, we failed to update an internal reference to § 130.21 within § 130.20 to reflect the consolidation of those user fees into one section. We are, therefore, proposing to amend § 130.20 to correct that error.

Additionally, we are proposing to use both feminine and masculine pronouns when referring to APHIS employees in 7 CFR 354.1 and 9 CFR 97.1. Both masculine and feminine pronouns, such as ''he or she'' or ''him or her,'' are commonly used in reference to individuals not otherwise identified as specifically male or female and appear as such elsewhere in our regulations. Updating these references will make the regulations in 7 CFR 354.1 and 9 CFR

97.1 more consistent and gender inclusive.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

APHIS charges hourly overtime rates to individuals, firms, and corporations requesting inspection, testing, certification, or quarantine services at laboratories, border ports, ocean ports, rail ports, quarantine facilities, and airports outside of the regularly established hours of service. These overtime rates vary depending on when and what type of services are performed. There is one overtime rate schedule for services provided on Sundays and another schedule for overtime services provided on Saturdays, holidays, and weekdays outside the employee's regular tour of duty. Owners and operators of aircraft, however, are subject to different overtime rate schedules.

Currently, APHIS charges $39.36 per hour per employee for services provided to owners and operators of aircraft outside of the regularly established hours of service on a Sunday, and $30.64 per hour per employee for services provided to owners and operators of aircraft outside the employee's regular tour of duty on a holiday or any other period. APHIS charges $47.96 per hour per employee for those services performed at the request of all users except owners and operators of aircraft on Sundays, and $37.84 per hour per employee for services performed at the request of all users except owners or operators of aircraft on a holiday or any other time outside the employee's regular tour of duty.

This proposed rule covers future overtime rates for inspection, laboratory testing, certification, or quarantine services performed by an employee outside of his or her regularly scheduled tour of duty. Publishing rate changes in advance would allow users of APHIS' services to incorporate the overtime rates into their budget planning. Table 5, shown above, lists the proposed overtime rates for fiscal years 2002 through 2006.

The current hourly overtime rates for inspection, laboratory testing, certification and quarantine services were made effective June 13, 1993 (58 FR 32433–32434, Docket No. 91–196–2). The proposed changes to the current overtime rates are intended to allow APHIS to recover cost increases associated with the provision of overtime services subsequent to that rule.

The percentage increase in hourly overtime rates for FY 2002 over the current overtime rates is shown in the table below. Because the proposed overtime rates for FY 2002 (October 1, 2001 through September 30, 2002) reflect cost increases incurred since 1993, the increase in overtime rates is highest for this year. The following table also lists the average annual percentage increase in the proposed overtime rates from FY 2002 through FY 2006.

Rate category	Outside of employee's normal tour of duty	Current hourly overtime rate	FY 02 hourly overtime rate	Increase FY 02 rate over current rate (percent)	Average annual increase for FY 02–06 (percent)
Inspection, testing, certification, or quarantine of animals and animal or agricultural products.	Monday–Saturday and holidays	$37.84	$45.00	18.9	3.2
	Sundays	47.96	59.00	23.0	3.3
Commercial airline inspections services.	Monday–Saturday and holidays	30.64	36.00	17.5	3.3
	Sundays	39.36	48.00	22.0	3.5

Overtime services performed for all users except owners and operators of aircraft outside of regularly scheduled hours of operation on Monday through Saturday or on holidays account for three-fourths of all overtime hours. During FY 1998 through 2000, overtime services performed for all users except owners and operators of aircraft outside of regularly scheduled hours of operation on Monday through Saturday or on holidays averaged 286,749 hours per year, or 76 percent of all overtime hours. The average hours of overtime services performed annually during fiscal years 1998 through 2000 for each overtime rate category are shown below, along with each rate category's percentage of that total.

Rate category	Outside of employee's normal tour of duty	Average annual overtime hours (FY 98–00)	Percentage of total
Inspection, testing, certification, or quarantine of animals and animal or agricultural products.	Monday–Saturday and holidays	286,749	76
	Sundays	28,165	7
Commercial airline inspection services	Monday–Saturday and holidays	45,857	12
	Sundays	18,398	5
Total		379,169	100

Because the number of overtime hours in each rate category is unknown for FY 2002 and beyond, the impact of this proposed rule on APHIS' revenues in those years is also unknown. Total overtime hours for all rate categories combined have shown a steady increase from 341,336 hours in FY 1998 to 390,600 hours in FY 1999 and 405,570 hours in FY 2000. This increase would suggest that the use of overtime services will continue to increase in the future, especially given that world trade is also likely to increase. In this regard, it is unlikely that demand for overtime services will lessen as a result of the proposed rate increases.

Furthermore, we do not anticipate users of APHIS' services to alter their planned imports and exports in order to avoid the proposed overtime rates, given the low value in absolute dollar terms of the rate increases. In none of the four

categories, for example, does the increase in rates exceed $11.04 in any one year. The average annual increase in overtime rates between the current rate and the rate for FY 2006 is only $2.63 for all users of overtime services, except for commercial airline inspection services, that are performed outside of regularly scheduled hours of operation on Monday through Saturday or on holidays.[1] This overtime rate category accounts for three-fourths of all overtime hours. In many cases, these proposed overtime rate increases for inspection, laboratory testing, certification, or quarantine services performed outside of an employee's normal tour of duty represent only a small portion of the dollar value of the plants, animals, or other commodities for which they are performed. For example, the purchase and import of a breeding-grade animal into the United States can range between $1,500 and $5,000 per head, an amount that would suggest that the proposed overtime rate increases would be a relatively insignificant factor in an importer's decision regarding if and when an animal should be imported. Indeed, the average annual increase in overtime rates through FY 2006 of $2.63 for users of overtime services, except for commercial airline inspection services, that are performed on weekdays and Saturdays or on holidays is equivalent to less than 1 percent of the value of an animal worth $2,000.

Assuming that annual overtime hours in fiscal years 2002 through 2006 match those for fiscal year 2000 (October 1, 1999, through September 30, 2000), this proposed rule would generate about $19 million in additional revenues over that generated under the current rates for APHIS over the 5-year period, as is shown in the table below.[2] The additional revenue generated by the changes in the hourly overtime rates corresponds to cost increases associated with providing inspection, laboratory testing, certification and quarantine services on Sundays, holidays, or at any other time outside an employee's normal tour of duty, and will allow APHIS to recover the full cost of providing these services.

ADDITIONAL REVENUES FROM PROPOSED RATES.—BASED ON FY 2000 OVERTIME HOURS (IN MILLIONS)

Rate category	Outside of employee's normal tour of duty	Effective date of final rule–Sept. 30, 2002	Oct. 1, 2002–Sept 30, 2003	Oct. 1, 2002–Sept. 30, 2004	Oct. 1, 2004–Sept. 30, 2005	Oct. 1, 2005–Sept. 30, 2006	Total
Inspection, testing, certification, or quarantine of animals and animal or agricultural products.	Monday–Saturday and holidays.	$1.13	$2.57	$3.20	$3.51	$4.14	$14.55
	Sundays	0.16	0.37	0.43	0.49	0.54	1.99
Commercial airline inspection services.	Monday–Saturday and holidays.	0.12	0.28	0.37	0.41	0.46	1.64
	Sundays	0.08	0.18	0.22	0.25	0.29	1.02
Total	.....	$1.49	$3.40	$4.22	$4.66	$5.43	$19.20

This proposed rule has the potential to affect any private individual or business entity dealing with plants, animals, poultry, germ plasm, animal products, organisms, vectors, aquaculture, or the testing of these items, including importers, exporters, brokers, dealers, animal exhibitors, laboratories, universities, and individuals who travel with their pets. Affected individuals and entities would incur higher costs. The number of individuals and businesses that could be adversely affected by this proposed action would depend on the ability of any one individual or business entity to absorb the increased costs or pass them on. This information is not available.[3] However, in many cases, some entities that pay overtime fees to APHIS, such as brokers, would be unaffected because they are able to pass those fees on to their clients. Furthermore, the amount of the proposed overtime rate increases, both in absolute dollar terms and in percentage terms of the dollar value of the affected plants or animals, suggest that the impact on most individuals and entities would be minimal.

Small Entity Impact

The Regulatory Flexibility Act requires that agencies consider the economic impact of their rules on small entities, such as small businesses, organizations, and governmental jurisdictions. All entities affected by the proposed overtime rate increases, both large and small, would incur higher costs.

It is reasonable to assume that most businesses affected by this proposed rule are small in size. This is because most U.S. businesses in general are small, based on the standards of the U.S. Small Business Administration (SBA). In 1997, for example, there were 5,769 U.S. firms in NAICS 541710, a classification comprised of firms primarily engaged in conducting research and experimental development in the physical, engineering, or life sciences, including agriculture and veterinary subjects. Of those 5,769 firms, 4,607 were in operation for all of 1997 and, of those, all but 28 had fewer than 500 employees, the SBA's small entity criterion for firms in that NAICS category.[4] Accordingly, most of the businesses potentially affected by this proposed rule are likely to be small in size. However, for the reasons discussed above, the proposed overtime rate increases would not have a significant economic impact on those businesses.

[1] Users of APHIS' services during overtime periods are typically charged for between 3 and 6 hours of overtime per service request. As a practical matter, therefore, the actual impact for users of each service request would typically be 3 to 6 times the rate increase for 1 hour of overtime service. However, the year-to-year hourly overtime rate increases are so low in absolute dollar terms that these rate increases should not cause most users to alter their planned imports and exports.

[2] Because this proposed rule is being published after the start of FY 2002, the FY 2002 column of the table projects additional revenues for only half of that fiscal year, assuming that the number of overtime hours would be spread evenly throughout the year. For FY 2002, therefore, we used one-half the number of annual overtime hours worked during FY 2000 to calculate the additional revenue generated by the proposed overtime rates over the current rates.

[3] Even if a list of the current users of APHIS' services during overtime hours were available, those users may be unwilling, for proprietary reasons, to provide the financial date needed to assess their ability to absorb the increased costs.

[4] Source: SBA and U.S. Census Bureau.

Alternatives

One alternative to this proposed rule would be to make no changes to the current overtime rates for inspection, laboratory testing, certification, or quarantine services performed by an employee on a Sunday or holiday or any time outside of his or her regular tour of duty. We do not consider leaving the current overtime rates unchanged a reasonable alternative because we would not recover the full cost for providing these services during overtime periods. This alternative would place the burden of increased costs for overtime services on the general taxpayer instead of the users of those services.

Another alternative to this proposed rule would be to either exempt small businesses from the overtime rate increases or establish a different overtime rate schedule for small businesses. Every business, including small businesses, using a government service needs to pay the cost of that service, rather than having other businesses pay a disproportionate share or having those costs passed on to the general public. Therefore, we do not consider exempting small businesses from these overtime rates or establishing a different user fee schedule for small businesses a viable option because it would not allow for the full recovery of our costs from all users of the overtime services.

Cost-Benefit Analysis

The benefit of user fees is the shift in the payment for services from taxpayers as a whole to those persons who are receiving the government service. While taxes may not change by the same amount as the change in user fee collections, there is a related shift in the appropriation of taxes to government programs that allows those tax dollars to be applied to other programs that benefit the public. Therefore, there would be a relative savings to taxpayers as a result of the proposed rule.

The administrative cost involved in obtaining these savings would be minimal. APHIS already has a user fee program and a mechanism for collecting user fees in place; this proposed rule would simply update the existing fees in that system. Accordingly, increases in administrative costs would be small. Because the savings to taxpayers are sufficiently large and the administrative costs would be small, it is likely that the net gain in reducing the burden on taxpayers as a whole would outweigh the cost of administering the user fee program with the updated user fees contained in this proposed rule.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects

7 CFR Part 354

Exports, Government employees, Imports, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Travel and transportation expenses.

9 CFR Part 97

Exports, Government employees, Imports, Livestock, Poultry and poultry products, Travel and transportation expenses.

9 CFR Part 130

Animals, Birds, Diagnostic reagents, Exports, Imports, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Tests.

Accordingly, we propose to amend 7 CFR part 354 and 9 CFR parts 97 and 130 as follows:

Title 7—[Amended]

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS; AND USER FEES

1. The authority citation for part 354 would be revised to read as follows:

Authority: 7 U.S.C. 2260; 21 U.S.C. 136 and 136a; 49 U.S.C. 80503; 7 CFR 2.22, 2.80, and 371.3.

2. In § 354.1, paragraph (a) would be amended as follows:

a. By revising the introductory text of paragraph (a)(1).

b. By revising paragraph (a)(1)(iii).

c. In paragraph (a)(2), by revising the first sentence.

§ 354.1 Overtime work at border ports, sea ports, and airports.

(a)(1) Any person, firm, or corporation having ownership, custody, or control of plants, plant products, animals, animal byproducts, or other commodities or articles subject to inspection, laboratory testing, certification, or quarantine under this chapter and subchapter D of chapter I, title 9 CFR, who requires the services of an employee of the Animal and Plant Health Inspection Service on a Sunday or holiday, or at any other time outside the regular tour of duty of that employee, shall sufficiently in advance of the period of Sunday, holiday, or overtime service request the Animal and Plant Health Inspection Service inspector in charge to furnish the service during the overtime or Sunday or holiday period, and shall pay the Government at the rate listed in the following table, except as provided in paragraphs (a)(1)(i), (ii), and (iii) of this section:

OVERTIME FOR INSPECTION, LABORATORY TESTING, CERTIFICATION, OR QUARANTINE OF PLANT, PLANT PRODUCTS, ANIMALS, ANIMAL PRODUCTS OR OTHER REGULATED COMMODITIES

Outside the employee's normal tour of duty	Overtime rates (per hour)			Oct. 1, 2004–Sept. 30, 2005	Beginning Oct. 1, 2005
	(Effective Date of Final Rule)–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Oct. 1, 2003–Sept. 30, 2004		
Monday through Saturday and holidays	$45.00	$46.00	$48.00	$49.00	$51.00
Sundays	59.00	61.00	63.00	65.00	67.00

* * * * * * *

(iii) The overtime rate to be charged owners or operators of aircraft at airports of entry or other places of inspection as a consequence of the operation of the aircraft, for work performed outside of the regularly established hours of service is listed in the following table:

OVERTIME FOR COMMERCIAL AIRLINE INSPECTION SERVICES [1]

Outside the employee's normal tour of duty	Overtime rates (per hour)				
	(Effective Date of Final Rule)–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Oct. 1, 2003–Sept. 30, 2004	Oct. 1, 2004–Sept. 30, 2005	Beginning Oct. 1, 2005
Monday through Saturday and holidays	$36.00	$37.00	$39.00	$40.00	$41.00
Sundays	48.00	49.00	51.00	53.00	55.00

[1] These charges exclude administrative overhead costs.

(2) A minimum charge of 2 hours shall be made for any Sunday or holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or her, or which is performed by an employee on his or her regular workday beginning either at least 1 hour before his or her scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty.

* * *

* * * * *

Title 9—[Amended]

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

3. The authority citation for part 97 would be revised to read as follows:

Authority: 7 U.S.C. 2260; 49 U.S.C. 80503; 7 CFR 2.22, 280, and 371.4.

4. Section 97.1 would be amended as follows:

a. By revising paragraph (a) introductory text, and paragraph (a)(3).

b. In paragraph (b), by revising the first sentence.

§ 97.1 Overtime services relating to imports and exports.

(a) Any person, firm, or corporation having ownership, custody, or control of animals, animal byproducts, or other commodities or articles subject to inspection, laboratory testing, certification, or quarantine under this subchapter and subchapter G of this chapter, and who requires the services of an employee of the Animal and Plant Health Inspection Service on a Sunday or holiday, or at any other time outside the regular tour of duty of the employee, shall sufficiently in advance of the period of Sunday or holiday or overtime service request the Animal and Plant Health Inspection Service inspector in charge to furnish the service and shall pay the Government at the rate listed in the following table, except as provided in paragraphs (a)(1), (a)(2), and (a)(3) of this section:

OVERTIME FOR INSPECTION, LABORATORY TESTING, CERTIFICATION, OR QUARANTINE OF ANIMALS, ANIMAL PRODUCTS OR OTHER REGULATED COMMODITIES

Outside the employee's normal tour of duty	Overtime rates (per hour)				
	(Effective Date of Final Rule)–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Oct. 1, 2003–Sept. 30, 2004	Oct. 1, 2004–Sept. 30, 2005	Beginning Oct. 1, 2005
Monday through Saturday and holidays	$45.00	$46.00	$48.00	$49.00	$51.00
Sundays	59.00	61.00	63.00	65.00	67.00

* * * * * * *

(3) The overtime rate to be charged owners or operators of aircraft at airports of entry or other places of inspection as a consequence of the operation of the aircraft, for work performed outside of the regularly established hours of service is listed in the following table:

OVERTIME FOR COMMERCIAL AIRLINE INSPECTION SERVICES [1]

Outside the employee's normal tour of duty	Overtime rates (per hour)				
	(Effective Date of Final Rule)–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Oct. 1, 2003–Sept. 30, 2004	Oct. 1, 2004–Sept. 30, 2005	Beginning Oct. 1, 2005
Monday through Saturday and holidays	$36.00	$37.00	$39.00	$40.00	$41.00
Sundays	48.00	49.00	51.00	53.00	55.00

[1] These charges exclude administrative overhead costs.

(b) A minimum charge of 2 hours shall be made for any Sunday or holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or her, or which is performed by an

employee on his or her regular workday beginning either at least 1 hour before his or her scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty.
* * *

PART 130—USER FEES

5. The authority citation for part 130 would continue to read as follows:

Authority: 5 U.S.C. 5542; 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114, 114a, 134a, 134c, 134d, 134f, 136, and 136a; 31 U.S.C. 3701, 3716, 3717, 3719, and 3720A; 7 CFR 2.22, 2.80, and 371.4.

6. In § 130.7, paragraph (a), the table would be revised to read as follows:

§ 130.7 User fees for import or entry services for live animals at land border ports along the United States-Canada border.

(a) * * *

Type of live animal	Unit	User fee		
		Oct. 1, 2001–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Beginning Oct. 1, 2003
Animals being imported into the United States:				
Breeding animals (Grade animals, except horses):				
Sheep and goats	per head	$0.50	$0.50	$0.50
Swine	per head	0.75	0.75	0.75
All others	per head	3.25	3.25	3.25
Feeder animals:.				
Cattle (not including calves)	per head	1.50	1.50	1.50
Sheep and calves	per head	0.50	0.50	0.50
Swine	per head	0.25	0.25	0.25
Horses (including registered horses), other than slaughter and in-transit.	per head	27.00	28.00	29.00
Poultry (including eggs), imported for any purpose	per load	47.00	48.00	50.00
Registered animals (except horses)	per head	5.50	5.75	6.00
Slaughter animals (except poultry)	per load	24.00	24.00	25.00
Animals transiting [1] the United States:				
Cattle	per head	1.50	1.50	1.50
Sheep and goats	per head	0.25	0.25	0.25
Swine	per head	0.25	0.25	0.25
Horses and all other animals	per head	6.50	6.75	6.75

[1] The user fee in this section will be charged for in-transit authorizations at the port where the authorization services are performed. For additional services provided by APHIS, at any port, the hourly user fee rate in § 130.30 will apply.

* * * * * * *

§ 130.20 [Amended]

7. In § 130.20, paragraph (b)(1) would be amended by removing the citation ''§ 130.21(a)'' and adding the citation ''§ 130.30(a)'' in its place.

8. In § 130.50, paragraph (b)(3)(i), the table would be revised to read as follows:

§ 130.50 Payment of user fees.

* * * * *

(b) * * *
(3) * * *
(i) * * *

OVERTIME FOR FLAT RATE USER FEES [1 2]

	Outside of the employee's normal tour of duty	Overtime rates (per hour)				
		(Effective date of final rule)–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Oct. 1, 2003–Sept. 30, 2004	Oct. 1, 2004–Sept. 30, 2005	Beginning Oct. 1, 2005
Rate for inspection, testing, certification or quarantine of animals, animal products or other commodities [3].	Monday–Saturday and holidays.	$45.00	$46.00	$48.00	$49.00	$51.00
	Sundays	59.00	61.00	63.00	65.00	67.00
Rate for commercial airline inspection services [4].	Monday–Saturday and holidays.	36.00	37.00	39.00	40.00	41.00
	Sundays	48.00	49.00	51.00	53.00	55.00

[1] Minimum charge of 2 hours, unless performed on the employee's regular workday and performed in direct continuation of the regular workday or begun within an hour of the regular workday.
[2] When the 2-hour minimum applies, you may need to pay commuted travel time. (See § 97.1(b) of this chapter for specific information about commuted travel time.)
[3] See § 97.1(a) of this chapter or 7 CFR 354.3 for details.
[4] See § 97.1(a)(3) of this chapter for details.

* * * * *

Done in Washington, DC, this 15th day of April 2002.

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–9827 Filed 4–19–02; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter I

[Summary Notice No. PE–2002–28]

Petition for Rulemaking; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for rulemaking received; request for comments.

SUMMARY: Although not required under part 11 of Title 14, Code of Federal Regulations (14 CFR), this document contains a summary of a petition for rulemaking to amend certain requirements of 14 CFR. While the FAA considers the best course of action on this matter, we believe the public should be made aware of this petition for rulemaking, and we specifically request comments from other aircraft manufacturers who may be experiencing problems similar to those encountered by the petitioner, Airbus. Neither publication of this document nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition. The facts presented in this summary are as presented by the petitioner.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before May 22, 2002.

ADDRESSES: Send comments on any petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2002–11705 at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to *http://dms.dot.gov.* You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1–800–647–5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

Issued in Washington, DC on April 8, 2002.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petition for Rulemaking

Docket No.: FAA–2002–11705.

Petitioner: Airbus.

Section of 14 CFR Affected: Appendix M to part 121 and Appendix E to part 125 of 14 CFR

Description of Relief Sought: The rulemaking implemented by FAA in August of 1997 (62 FR 38362) substantially improved the requirements for recording of up to 88 parameters of flight data for diagnostic use in the event of an accident or serious incident. Most of the improvement in the recording capability did not directly apply to Airbus aircraft, however, because almost all of the additional parameters required by FAA had long been incorporated into the standard Airbus product specification. However, in a few cases, the very detailed specifications adopted in the FAA rule differed slightly from the recording parameters that had been implemented in Airbus aircraft. In that rulemaking, it was clearly stated that FAA had tailored that rule to avoid major equipment redesign or retrofits. The new requirements are to be met in stages, with the first 34 parameters being treated initially (at the next heavy maintenance check after August 18, 1999, but no later than August 20, 2001), followed by parameters 35 through 57 (for aircraft manufactured after August 18, 2000, upon delivery), and finally parameters 58 through 88 (for aircraft manufactured after August 19, 2002, upon delivery).

On August 24, 1999 (64 FR 46117), FAA amended this digital flight data recorder (DFDR) resolution recording requirements for several parameters for Airbus airplanes. The amendments addressed only the first 34 parameters. Similarly, on August 24, 2000, the FAA revised the DFDR regulations to accommodate several technical changes related to parameters 35 through 57 for Airbus.

Airbus has now completed its audit of compliance requirements for Parameters 58 through 88, and finds three specific technical issues of compliance for which it seeks rule changes. Specifically, Airbus seeks minor technical changes as specified herein to the recording requirements for parameter 83 (cockpit trim control input position—roll), parameter 84 (cockpit trim control input position—yaw), and parameter 88 (cockpit flight control input forces—rudder).

Airbus notes that the FAA, in adopting the new DFDR recording resolution requirements did not intend to require equipment redesign or retrofit. The cockpit trim position recording specification changes that are requested would be implemented in order to comply with that aim. These sensors have been installed on Airbus aircraft for many years, and it adds no safety or analytic benefit that Airbus can identify to replace these sensors with ones that are literally compliant with the regulatory specifications. The resolution deviations sought are small, and fully consistent with the smallest increment employed in the parameters employed for actual control of the respective flight control surfaces.

With regard to rudder pedal forces, the Airbus implementation requires a sensor that sums the rudder pedal forces from the cockpit pedals, these having no independent breakaway capability. Therefore, though the force is accurately measured, the actual force applied at each pedal varies somewhat with pedal ergonomics, adjusted to account for size differences from person to person, and also with actual pedal position. However, this shortfall in accuracy does not prohibit detailed and continuous high-resolution determination of the force that is applied to the rudder pedals so as to permit diagnosis of the source of movement of the pedals themselves (parameter 14) and the flight control surface (parameter 17). In fact, the inaccuracy due to pedal position can be corrected based on the measurement of parameter 14, leaving only the inaccuracy resulting from ergonomic adjustment. If the ergonomic adjustment is known (based on post-accident aircraft examination, for example), it, too, can be corrected.

Specifically, changes are sought to the recording requirements for the following parameters as contained in Appendix M to part 121 and Appendix E to part 125 of 14 CFR:

For A310 and A300–6 series aircraft. Parameter 83, cockpit trim control input position-roll: Required to be resolved to 0.028 degrees (0.2% of operational range of ±7 degrees) but is implemented with

a resolution of 0.096 degrees. Note, however, that this resolution is nearly identical to the smallest increment used in deflection of the roll control surfaces for each model, which is 0.092 degrees in the A310 aircraft and 0.091 degrees in the A300–600 aircraft. Thus, achieving the additional resolution would provide no substantive benefit.

For A318/319/320/321 series aircraft. Parameter 84, cockpit trim control input position-yaw: Required to be resolved to 0.08 degrees (0.2% of operational range of ±20 degrees but is implemented with a resolution of 0.088 degrees. Note, however, that this resolution surpasses the smallest increment used to deflect the yaw control surfaces for each model, which is 0.112 degrees for the A320 family.

For A310, A300–600, A318/319/320/321, A330 and A340 (except A340–500 and –600 models) series aircraft. Parameter 88, cockpit flight control input forces-rudder pedal: Required to have accuracy of 5% but is implemented with an accuracy of 2.5%–15%, depending upon the position of the pedal adjustment for ergonomic reasons, and the exact position of the pedals at the time the force is applied. These inaccuracies arise from the complex mechanical arrangement necessary to transmit pedal forces to the rudder control cables. There are two principal sources of this inaccuracy, and it is possible that one or both of them may be eliminated in post-accident analysis. However, for the purpose of compliance determination, Airbus elects to assume a worst case situation where neither inaccuracy can be eliminated, and therefore seeks this rule change.

The first uncertainty and largest source of inaccuracy is that associated with ergonomic adjustment of the pedal position to accommodate pilots of differing heights. If the pedal position selected can in fact be determined (for example by examination of the aircraft after an accident or incident), then this inaccuracy can be eliminated. The second uncertainty comes from the fact that, for a given pedal force, the recorded force varies somewhat depending on the position of the rudder pedals when the force is applied. If it is possible (and it should be so) to use the recorded rudder pedal position to calculate the position inaccuracy in post accident/incident review, then this inaccuracy can also be eliminated. Note that the resolution of this parameter as recorded complies with the required 0.2% of full range, and therefore the functionality of the recorded parameter is not adversely affected.

In the appendix to its petition, Airbus submits specific proposed regulatory language. In Appendix M to part 121 and Appendix E to part 125, Airbus requests that footnotes be added to the recording requirements for parameters 83, 84, and 88. For parameter 83, Airbus recommends the following footnote: For A310 and A300–600 airplanes, resolution = 0.69% (0.096 degrees). For parameter 84, Airbus requests the following footnote: For A318/319/320/321 series aircraft, resolution = 0.22% (0.088 degrees). For parameter 88, Airbus requests the following footnote: For A310, A300–600, A318/319/320/321, A330 and A340 (except A340–500 and –600 models) series aircraft, accuracy = 15%.

According to Airbus, the changes requested are minor and technical in nature, and none would significantly affect the ability of accident investigators to perform their tasks. Additionally, Airbus contends that the changes would neither adversely affect the safety of the aircraft, hinder the investigation of accidents or incidents, nor compromise the intent of the DFDR rules. Airbus states the changes only would account for the differences in Airbus DFDR equipment when compared to the precise regulatory requirements.

Airbus also asserts that a large cost to US operators would obviously be involved in redesigning and fitting new equipment to effect literal compliance with the recording resolution requirements of the current regulations. In addition, with the delivery of new aircraft whose implemented DFDR recording equipment differs from that installed on existing aircraft, a second set of spares and additional record keeping requirements would need to be instituted, further increasing costs on an ongoing basis. These added costs would not be balanced by an gain in safety or investigative capability deriving from such changes. It is, therefore, in the public interest to make the requested regulatory modifications so as to obviate an unnecessary and unproductive expenditure by US airlines, according to Airbus.

Airbus requests that the FAA issue a final rule without notice and prior public comment.

[FR Doc. 02–9129 Filed 4–19–02; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL MARITIME COMMISSION

46 CFR Part 540

[Docket No. 94–06]

Financial Responsibility Requirements for Nonperformance of Transportation

AGENCY: Federal Maritime Commission.

ACTION: Proceeding discontinued.

SUMMARY: The Federal Maritime Commission (''Commission'') published a Notice of Proposed Rulemaking (''NPR'') in 1994 and a Further Notice of Proposed Rulemaking (''FNPR'') in 1996 that proposed to amend its financial responsibility requirements applicable to passenger vessel operators (''PVOs'') for nonperformance of transportation. A number of comments were received to the FNPR. Given significant changes that have occurred in the cruising industry, and the recent financial difficulties experienced by several PVOs, the Commission has determined to reevaluate its requirements. Separate rulemakings will be initiated for that purpose. Accordingly, this proceeding can be, and hereby is, discontinued.

DATES: This proceeding is discontinued as of April 22, 2002.

FOR FURTHER INFORMATION CONTACT: Sandra Kusumoto, Director, Bureau of Consumer Complaints and Licensing, Federal Maritime Commission, 800 North Capitol Street, NW, Room 970, Washington, DC 20573–0001, (202) 523–5787, Email: SandraK@fmc.gov

SUPPLEMENTARY INFORMATION:

An NPR was published in the **Federal Register** on March 31, 1994 (59 FR 15149), that proposed to amend 46 CFR part 540 to increase nonperformance coverage for the traveling public by removing the $15 million unearned passenger revenue coverage ceiling, eliminate the self-insurance option from passenger vessel operator section 3 coverage, and adjust the sliding scale provision. After the comments were considered by the Commission, the NPR was held in abeyance pending a further examination of the issues in a formal Inquiry, Docket No. 94–21, *Inquiry into Alternative Forms of Financial Responsibility for Nonperformance of Transportation,* (59 FR 52133) (''Inquiry'') published October 26, 1994. After assessing the comments in response to the Inquiry, the Commission issued an FNPR on June 26, 1996 (61 FR 33059), to specifically address some of the issues raised in comments to both the NPR and the Inquiry. More recently, the bankruptcies of several PVOs,

coupled with the experience of passengers in receiving payment in satisfaction of claims, led to a reevaluation of the rules governing PVO coverage of unearned passenger revenue. As a result, the Commission determined to initiate separate proceedings to take a fresh look at these and related issues. Therefore, this proceeding is hereby discontinued.

By the Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 02–9795 Filed 4–19–02; 8:45 am]

BILLING CODE 6730–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 533

[Docket No. 2002–11419]

RIN 2127–AI70

Correction to Request for Comments; National Academy of Sciences Study and Future Fuel Economy Improvements, Model Years 2005–2010

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Correction to request for comments.

SUMMARY: This document contains corrections to the request for comments on the National Academy of Sciences study and future fuel economy improvements for model years 2005–2010, which was published on Thursday, February 7, 2002 (67 FR 5767).

DATES: The comment deadline remains May 8, 2002.

FOR FURTHER INFORMATION CONTACT: For non-legal issues, call Ken Katz, Lead Engineer, Consumer Programs Division, Office of Planning and Consumer Programs, at (202) 366–0846, facsimile (202) 493–2290, electronic mail, *kkatz@nhtsa.dot.gov*. For legal issues, call Otto Matheke, Office of the Chief Counsel, at (202) 366–5263.

SUPPLEMENTARY INFORMATION:

Background

The request for comments that is the subject of this correction seeks information that will assist the agency in developing a proposal for light truck CAFE standards for model years beyond 2004. NHTSA currently plans to cover some or all of model years 2005 to 2010 in the proposal. The agency is seeking information that will help it assess the extent to which manufacturers can improve light truck fuel economy during those years, the benefits and costs to consumers of fuel economy improvements, the benefits to the nation of reducing fuel consumption, and the number of model years that should be covered by the proposal.

Need for Correction

As published, the appendix to the request for comments contains errors, which are in need of clarification.

Correction of Publication

Accordingly, the publication on February 7, 2002 (67 FR 5767) is corrected in the appendix as follows:

On page 5775, definition number 1, which set forth a number of definitions as follows: '' 'Automobile,' 'fuel economy,' 'manufacturer,' and 'model year,' have the meaning given them in Section 501 of the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. 2001,'' refers to a statutory section that has been recodified. Definition number 1 is corrected to read '' 'Automobile,' 'fuel economy,' 'manufacturer,' and 'model year,' have the meaning given them in Section 32901 of Chapter 329 of Title 49 of the United States Code, 49 U.S.C. 32901.''

On page 5775, definition number 3, ''Basic engine,'' item (i) the parenthetical phrase ''(in cubic inches)'' is corrected to read ''(in liters).''

On page 5775, definition number 4, ''Domestically manufactured'' which stated: '' 'Domestically manufactured' is used as defined in Section 503(b)(2)(E) of the Act.,'' is corrected to read '' 'Domestically manufactured' is used as defined in Section 32904(b)(2) of Chapter 329, 49 U.S.C. 32904(b)(2).''

On page 5775, definition number 16, ''Transmission class'' contains a typographical error in the citation of the regulation referenced in the definition. The first sentence of the definition, which stated: '' 'Transmission class' is used as defined in 40 CFR 600.002–05(22)(a),'' is corrected to read '' 'Transmission class' is used as defined in 40 CFR 600.002–85(a)(22).''

On page 5775, definition number 17, ''Truckline,'' which stated: '' 'Truckline' means the name assigned by the Environmental Protection Agency to a different group of vehicles within a make or car division in accordance with that agency's 1994 model year pickup, van (cargo vans and passenger vans are considered separate truck lines), and special purpose vehicle criteria'' is corrected to read, '' 'Truckline' means the name assigned by the Environmental Protection Agency to a different group of vehicles within a make or car division in accordance with that agency's 2001 model year pickup, van (cargo vans and passenger vans are considered separate truck lines), and special purpose vehicle criteria.''

On page 5776, specification number 3, item f, which stated ''Estimated power absorption unit (PAU) setting, in hp'' is corrected to read, ''Estimated power absorption unit (PAU) setting, in hp. Alternately, the total road load horsepower at 50 miles per hour can be provided.''

On page 5776, specification number 5, inadvertently skipped the letter d when listing the standards or equipment the agency is seeking comment on. Specification number 5 is corrected to read as follows:

5. Relative to MY 2001 levels, for MYs 2005–2010, please provide information, by truckline and as an average effect on a manufacturer's entire light truck fleet, on the weight and/or fuel economy impacts of the following standards or equipment:

a. Federal Motor Vehicle Safety Standard (FMVSS 208) Automatic Restraints

b. FMVSS 201 Occupant Protection in Interior Impact

c. Voluntary installation of safety equipment (*e.g.,* antilock brakes)

d. Environmental Protection Agency regulations

e. California Air Resources Board requirements

f. Other applicable motor vehicle regulations affecting fuel economy.

On page 5776, specification number 6, the phrase ''provide the requested information for each of items '6a' through '6o' is corrected to read ''provide the requested information for each of items '6a' through '6q' ''.

On page 5777, specification number 8, the phrase '' 'a' through 'k' '', which appears in the first paragraph and the third paragraph, is corrected to read '' 'a' through 'i' ''.

On page 5777, specification number 8, item g, the sentence ''Average PAU setting: Provide the value and show whether the value (or estimated value) is based on coastdown testing (T) or calculated from the vehicle frontal area (C). Round the PAU value to one decimal Place'' is corrected to read ''Average PAU setting: Provide the value and show whether the value (or estimated value) is based on coastdown testing (T) or calculated from the vehicle frontal area (C). Round the PAU value to one decimal Place. Alternately, the total road load horsepower at 50 miles per hour can be provided.''

On page 5777, specification number 11, the sentence ''For each new or

redesigned vehicle identified in response to Question 3 and each new engine or fuel economy improvement identified in your response to Questions 3, 5, and 6, provide your best estimate of the following, in terms of constant 1996 dollars:'' is corrected to read ''For each new or redesigned vehicle identified in response to Question 3 and each new engine or fuel economy improvement identified in your response to Questions 3, 4, 5, and 6, provide your best estimate of the following, in terms of constant 2001 dollars:'

On page 5777, specification number 12, the sentence ''Please provide respondent's actual and projected U.S. light truck sales, 4x2 and 4x4, 0–8,500 lbs. GVWR and 8501–10,000 lbs., GVWR for each model year from 1996 through 2002, inclusive.'' is corrected to read ''Please provide respondent's actual and projected U.S. light truck sales, 4x2 and 4x4, 0–8,500 lbs. GVWR and 8501–10,000 lbs., GVWR for each model year from 2001 through 2004, inclusive.''

The corrected Appendix is printed in its entirety below:

Appendix

I. Definitions

As used in this appendix—

1. ''Automobile,'' ''fuel economy,'' ''manufacturer,'' and ''model year,'' have the meaning given them in Section 32901 of Chapter 329 of Title 49 of the United States Code, 49 U.S.C. 32901.

2. ''Cargo-carrying volume,'' ''gross vehicle weight rating'' (GVWR), and ''passenger-carrying volume'' are used as defined in 49 CFR 523.2.

3. ''Basic engine'' has the meaning given in 40 CFR 600.002–85(a)(21). When identifying a basic engine, respondent should provide the following information:

(i) Engine displacement (in liters).

(ii) Number of cylinders or rotors.

(iii) Number of valves per cylinder.

(iv) Cylinder configuration (V, in-line, etc.).

(v) Number of carburetor barrels, if applicable.

(vi) Other engine characteristics, abbreviated as follows:

DD—Direct Injection Diesel
ID—Indirect Injection Diesel
TB—Throttle Body Fuel Injection S.I. (Spark Ignition)
MP—Multipoint Fuel Injection S.I.
TD—Turbocharged Diesel
TS—Turbocharged S.I.
FFS—Feedback Fuel System
2C—Two-stroke engines
VVT—Variable valve timing
VVLT—Variable valve lift and timing
SOHC—Single overhead camshaft
DOHC—Dual overhead camshafts
CYDA—Cylinder deactivation
IVT—Intake valve throttling
CVA—Camless valve actuation
VCR—Variable compression ratio
LBFB—lean burn-fast burn combustion

4. ''Domestically manufactured'' is used as defined in Section 32904(b)(2) of Chapter 329, 49 U.S.C. 32904(b)(2).

5. ''Light truck'' means an automobile of the type described in 49 CFR Part 523.5.

6. A ''model'' of light truck is a line, such as the Chevrolet C1500 or Astro, Ford F150 or E150, Jeep Wrangler, etc., which exists within a manufacturer's fleet.

7. ''Model Type'' is used as defined in 40 CFR 600.002–85(a)(19).

8. ''Percent fuel economy improvements'' means that percentage which corresponds to the amount by which respondent could improve the fuel economy of vehicles in a given model or class through the application of a specified technology, averaged over all vehicles of that model or in that class which feasibly could use the technology. Projections of percent fuel economy improvement should be based on the assumption of maximum efforts by respondent to achieve the highest possible fuel economy increase through the application of the technology. The baseline for determination of percent fuel economy improvement is the level of technology and vehicle performance with respect to acceleration and gradeability for respondent's 2001 model year light trucks in the equivalent class.

9. ''Percent production implementation rate'' means that percentage which corresponds to the maximum number of light trucks of a specified class, which could feasibly employ a given type of technology if respondent made maximum efforts to apply the technology by a specified model year.

10. ''Production percentage'' means the percent of respondent's light trucks of a specified model projected to be manufactured in a specified model year.

11. ''Project'' or ''projection'' refers to the best estimates made by respondent, whether or not based on less than certain information.

12. ''Redesign'' means any change, or combination of changes, to a vehicle that would change its weight by 50 pounds or more or change its frontal area or aerodynamic drag coefficient by 2 percent or more.

13. ''Relating to'' means constituting, defining, containing, explaining, embodying, reflecting, identifying, stating, referring to, dealing with, or in any way pertaining to.

14. ''Respondent'' means each manufacturer (including all its divisions) providing answers to the questions set forth in this appendix, and its officers, employees, agents or servants.

15. ''Test Weight'' is used as defined in 40 CFR 86.082–2.

16. ''Transmission class'' is used as defined in 40 CFR 600.002–85(22). When identifying a transmission class, respondent also must indicate whether the type of transmission, and whether it is equipped with a lockup torque converter (LUTC), a split torque converter (STC), and/or a wide gear ratio range (WR) and specify the number of forward gears or whether the transmissions a continuously variable design (CVT). If the transmission is of a hybrid type, that should also be indicated.

17. ''Truckline'' means the name assigned by the Environmental Protection Agency to a different group of vehicles within a make or car division in accordance with that agency's 2001 model year pickup, van (cargo vans and passenger vans are considered separate truck lines), and special purpose vehicle criteria.

18. ''Utility vehicle'' means a form of light truck, either two-wheel drive (4x2) or four-wheel drive (4x4), and is exemplified by a Jeep Wrangler or Cherokee, a Chevrolet Blazer, Ford Explorer, or a Toyota Land Cruiser.

19. The term ''van'' is used as defined in 40 CFR 86.082–2.

20. ''Variants of existing engines'' means versions of an existing basic engine that differ from that engine in terms of displacement, method of aspiration, induction system or that weigh at least 25 pounds more or less than that engine.

II. Assumptions

All assumptions concerning emission standards, damageability regulations, safety standards, etc., should be listed and described in detail by the respondent.

III. Specifications

1. Identify all light truck models currently offered for sale in MY 2001 whose production you project discontinuing before MY 2005 and identify the last model year in which each will be offered.

2. Identify all basic engines offered by respondent in MY 2001 light trucks which respondent projects it will cease to offer for sale in light trucks before MY 2005, and identify the last model year in which each will be offered.

3. Does the respondent currently project offering for sale for the time period of MY 2005–2010 any new or redesigned light trucks, including vehicles smaller than those now produced? If so, provide the following information for each model (e.g., Chevrolet C1500, Ford F150). Model types which are essentially identical except for their nameplates (*e.g.,* Dodge Caravan/Plymouth Voyager) may be combined into one item. See Table A for a sample format; 4x2 and 4x4 light trucks are different models.

a. Body types to be offered for sale (*e.g.,* regular cab, super cab).

b. Description of basic engines, or power sources (*i.e.,* fuel cell) including optional horsepower and torque ratings, if any; displacement; number and configuration of cylinders; type of fuel injection system; fuel type; number of valves per cylinder, and whether it is 2-cycle or 4-cycle or uses variable valve timing.

c. Transmission type (manual, automatic, number of forward speeds, hybrid, overdrive, etc., as applicable), including gear ratios and final drive, alternative ratios offered, driveline configuration, and special features such as torque converter lockup clutches, electronic controls or CVT design.

d. (i) The range of GVW ratings to be offered for each body type.

(ii) The range of test weights for each body type.

e. All wheelbases.

f. Estimated power absorption unit (PAU) setting, in hp. Alternately, the total road load horsepower at 50 miles per hour can be provided.

g. The range of projected EPA composite fuel economies for each body type in the initial model year of production.

h. Projected introduction date (model year).

i. Projected sales for each model year from the projected year of introduction through MY 2010, expressed both as an absolute number of units sold and as percentage of all light trucks sold by respondent.

j. Projections of:

(i) Existing models replaced by new models.

(ii) Reduced sales of respondent's existing models as a result of the sale of each of the new models.

(iii) New sales not captured from any of the respondent's existing models.

4. Does respondent project introducing any variants of existing basic engines or any new basic engines, other than those mentioned in your response to Question 3, in its light truck fleets in MYs 2005–2010? If so, for each basic engine or variant indicate:

a. The projected year of introduction,

b. Type (*e.g.,* spark ignition, direct injection diesel, 2-cycle, alternative fuel use),

c. Displacement,

d. Type of induction system (*e.g.,* fuel injection with turbocharger, naturally aspirated),

e. Cylinder configuration (*e.g.,* V–8, V–6, I–4),

f. Number of valves per cylinder (*e.g.,* 2, 3, 4, 6),

g. Horsepower and torque ratings,

h. Models in which engines are to be used, giving the introduction model year for each model if different from ''a,'' above. (*See* Table B for a sample format.)

5. Relative to MY 2001 levels, for MYs 2005–2010, please provide information, by truckline and as an average effect on a manufacturer's entire light truck fleet, on the weight and/or fuel economy impacts of the following standards or equipment:

a. Federal Motor Vehicle Safety Standard (FMVSS 208) Automatic Restraints

b. FMVSS 201 Occupant Protection in Interior Impact

c. Voluntary installation of safety equipment (*e.g.,* antilock brakes)

d. Environmental Protection Agency regulations

e. California Air Resources Board requirements.

f. Other applicable motor vehicle regulations affecting fuel economy.

6. For each of the model years 2005–2010, and for each light truck model projected to be manufactured by respondent (if answers differ for the various models), provide the requested information for each of items ''6a'' through ''6q'' listed below:

(i) description of the nature of the technological improvement;

(ii) the percent fuel economy improvement averaged over the model;

(iii) the basis for your answer to 6(ii), (*e.g.,* data from dynamometer tests conducted by respondent, engineering analysis, computer simulation, reports of test by others);

(iv) the percent production implementation rate and the reasons limiting the implementation rate;

(v) a description of the 2001 baseline technologies and the 2001 implementation rate; and

(vi) the reasons for differing answers you provide to items (ii) and (iv) for different models in each model year. Include as a part of your answer to 6(ii) and 6(iv) a tabular presentation, a sample portion of which is shown in Table C.

a. Improved automatic transmissions. Projections of percent fuel economy improvements should include benefits of lock-up or bypassed torque converters, electronic control of shift points and torque converter lock-up, and other measures which should be described.

b. Improved manual transmissions. Projections of percent of fuel economy improvement should include the benefits of increasing mechanical efficiency, using improved transmission lubricants, and other measures (specify).

c. Overdrive transmissions. If not covered in ''a'' or ''b'' above, project the percentage of fuel economy improvement attributable to overdrive transmissions (integral or auxiliary gear boxes), two-speed axles, or other similar devices intended to increase the range of available gear ratios. Describe the devices to be used and the application by model, engine, axle ratio, etc.

d. Use of engine crankcase lubricants of lower viscosity or with additives to improve friction characteristics or accelerate engine break-in, or otherwise improved lubricants to lower engine friction horsepower. When describing the 2001 baseline, specify the viscosity of and any fuel economy-improving additives used in the factory-fill lubricants.

e. Reduction of engine parasitic losses through improvement of engine-driven accessories or accessory drives. Typical engine-driven accessories include water pump, cooling fan, alternator, power steering pump, air conditioning compressor, and vacuum pump.

f. Reduction of tire rolling losses, through changes in inflation pressure, use of materials or constructions with less hysteresis, geometry changes (*e.g.,* increased aspect ratio), reduction in sidewall and tread deflection, and other methods. When describing the 2001 baseline, include a description of the tire types used and the percent usage rate of each type.

g. Reduction in other driveline losses, including losses in the non-powered wheels, the differential assembly, wheel bearings, universal joints, brake drag losses, use of improved lubricants in the differential and wheel bearing, and optimizing suspension geometry (*e.g.,* to minimize tire scrubbing loss).

h. Reduction of aerodynamic drag.

i. Turbocharging or supercharging.

j. Improvements in the efficiency of 4-cycle spark ignition engines including (1) increased compression ratio; (2) leaner air-to-fuel ratio; (3) revised combustion chamber configuration; (4) fuel injection; (5) electronic fuel metering; (6) interactive electronic control of engine operating parameters (spark advance, exhaust gas recirculation, air-to-fuel ratio); (8) variable valve timing or valve lift; (9) multiple valves per cylinder; (10) friction reduction by means such as low tension piston rings and roller cam followers; (11) higher temperature operation; and (12) other methods (specify).

k. Naturally aspirated diesel engines, with direct or indirect fuel injection.

l. Turbocharged or supercharged diesel engines with direct or indirect fuel injection.

m. Stratified-charge reciprocating or rotary engines, with direct or indirect fuel injection.

n. Two cycle spark ignition engines.

o. Use of hybrid drivetrains.

p. Use of fuel cells; provide a thorough description of the fuel cell technology employed, including fuel type and power output.

q. Other technologies for improving fuel economy or efficiency.

7. For each model of respondent's light truck fleet projected to be manufactured in each of MYs 2005–2010, describe the methods used to achieve reductions in average test weight. For each specified model year and model, describe the extent to which each of the following methods for reducing vehicle weight will be used. Separate listings are to be used for 4x2 light trucks and 4x4 light trucks.

a. Substitution of materials.

b. ''Downsizing'' of existing vehicle design to reduce weight while maintaining interior roominess and comfort for passengers, and utility, *i.e.,* the same or approximately the same, payload and cargo volume, using the same basic body configuration and driveline layout as current counterparts.

c. Use of new vehicle body configuration concepts, which provides reduced weight for approximately the same payload and cargo volume.

8. For each model year 2005–2010, list all projected light truck model types and provide the information specified in ''a'' through ''i'' below for each model type.

The information should be in tabular form, with a separate table for each model year. Each grouping is to be subdivided into separate listings for models with 4x2 and 4x4 drive systems. Engines having the same displacement but belonging to different engine families are to be grouped separately. The vehicles are to be sorted first by truckline, second by basic engine, and third by transmission type. For these groupings, the average test weights are to be placed in ascending order. List the categories in terms ''a'' through ''i'' below in the order specified from left to right across the top of the table. Include in the table for each model year the total sales-weighted harmonic average fuel economy and average test weight for imported and domestic light trucks for each truckline and for all of the respondent's light trucks.

a. Truckline, *e.g.,* C1500, F–150, B–150. Model types which are essentially identical except for their nameplates (*e.g.,* Chevrolet S–10/GMC S–15 and Dodge Caravan/Plymouth Voyager) may be combined into one line item.

b. Light truck vehicle type, *e.g.,* compact pickup, cargo van, passenger van, utility, truck-based station wagon, and chassis cab. Other light truck designations, which are adequately defined, can be used if these are not suitable.

c. Basic engine: Include the engine characteristics used in Definition 3.

d. Transmission class (*e.g.,* A3, L4, A40D, M5, CVT): Include the characteristics used in Definition 16.

e. Average ratio of engine speed to vehicle speed in top gear (N/V), rounded to one decimal place.

f. Average test weight.

g. Average PAU setting: Provide the value and show whether the value (or estimated value) is based on coastdown testing (T) or calculated from the vehicle frontal area (C). Round the PAU value to one decimal Place. Alternately, the total road load horsepower at 50 miles per hour can be provided.

h. Composite fuel economy (Sales weighted, harmonically averaged over the specified vehicles, rounded to the nearest 0.1 mpg).

i. Projected sales for the vehicles described in each line item.

9. For each transmission identified in response to 8(d) above, provide a listing showing whether the transmission is manual or automatic, the gear ratios for the transmission, and the models which will use the transmission.

10. Indicate any MY 2005–2010 light truck model types which have higher average test weights than comparable MY 2001 model types. Describe the reasons for any weight increases (*e.g.,* increased option content, less use of premium materials) and provide supporting justification.

11. For each new or redesigned vehicle identified in response to Question 3 and each new engine or fuel economy improvement identified in your response to Questions 3, 4, 5, and 6, provide your best estimate of the following, in terms of constant 2001 dollars:

(a) Total capital costs required to implement the new/redesigned model or improvement according to the implementation schedules specified in your response. Subdivide the capital costs into tooling, facilities, launch, and engineering costs.

(b) The maximum production capacity, expressed in units of capacity per year, associated with the capital expenditure in (a) above. Specify the number of production shifts on which your response is based and define ''maximum capacity'' as used in your answer.

(c) The actual capacity that is planned to be used each year for each new/redesigned model or fuel economy improvement.

(d) The increase in variable costs per affected unit, based on the production volume specified in (b) above.

(e) The equivalent retail price increase per affected vehicle for each new/redesigned model or improvement. Provide an example describing methodology used to determine the equivalent retail price increase.

12. Please provide respondent's actual and projected U.S. light truck sales, 4x2 and 4x4, 0–8,500 lbs. GVWR and 8501–10,000 lbs., GVWR for each model year from 2001 through 2004, inclusive. Please subdivide the data into the following vehicle categories:

i. Standard Pickup Heavy (*e.g.,* C2500/3500, F–250/350, Ram 2500/3500)

ii. Standard Pickup Light (*e.g.,* C1500, F–150, Ram 1500)

iii. Compact Pickup (*e.g.,* S–10, Ranger, Dakota)

iv. Standard Cargo Vans Heavy (*e.g.,* G3500, E–250/350, B3500)

v. Standard Cargo Vans Light (*e.g.,* G1500/2500, E–150, B1500/2500)

vi. Standard Passenger Vans Heavy (*e.g.,* G3500, E–250/350, B3500)

vii. Standard Passenger Vans Light (*e.g.,* G1500/2500, E–150, B1500/2500)

viii. Compact Cargo Vans (*e.g.,* Astro, Aerostar, Mini Ram Van)

ix. Compact Passenger Vans (*e.g.,* Astro, Villager, Voyager)

x. Standard Utilities (*e.g.,* K1500 Tahoe, Expedition)

xi. Compact Utilities (*e.g.,* Blazer, Explorer, Wrangler, RAV4)

xii. Other (*e.g.,* Suburban) See Table D for a sample format.

13. Please provide your estimates of projected *total industry* U.S. light (0–10,000 lbs, GVWR) truck sales for each model year from 2005 through 2010, inclusive. Please subdivide the data into 4x2 and 4x4 sales and into the vehicle categories listed in the sample format in Table E.

14. Please provide your company's assumptions for U.S. gasoline and diesel fuel prices during 2005 through 2010.

15. Please provide projected production capacity available for the North American market (at standard production rates) for each of your company's light truckline designations during MYs 2005–2010.

16. Please provide your estimate of production lead-time for new models, your expected model life in years, and the number of years over which tooling costs are amortized.

Note: The parenthetical numbers in Tables A through E refer to the items in section III, specifications.

TABLE A.—NEW MODELS—MODEL: A–1 STANDARD PICKUP

[Drivetrain Configuration: 4x2, Front Engine/Rear Drive]

Body type (3a.)	Passenger volume, ft³	Number of seating positions	Cargo volume, ft³	Wheelbase, in. (3e.)	PAU Setting, hp. (3f.)
Regular cab, short bed	50	3	48	115	7.5
Regular cab, long bed	50	3	64	133	7.8
Extended cab, long bed	75	4	64	151	8.2
Crew cab, long bed	100	6	64	170	9.0

Engine options (3b.)	Config./number of cyl.	Fuel system	Hp @ RPM Torque @ RPM
160 CID, Turbocharged [1]	I–4	MPI	140 @ 4200 ..... 90 @ 3400
235 CID	V–6	TBI	150 @ 3800 ..... 125 @ 2800
235 CID, 4-valve [2]	V–6	MPI	180 @ 4500 ..... 130 @ 3200
285 CID	V–8	MPI	200 @ 4200 ..... 150 @ 3000

[1] Not available with crew cab.
[2] Available with automatic transmission only.

Ratios (3c.)	Transmission type		
	Manual overdrive	Manual creeper	Automatic with electronic controls and TCLU
1st Gear	4.50	6.50	3.20
2nd Gear	3.00	3.60	2.50
3rd Gear	1.75	1.80	1.50
4th Gear	1.00	1.00	1.00
5th Gear	0.80	.....	.....

Ratios (3c.)	Transmission type		
	Manual over-drive	Manual creeper	Automatic with electronic controls and TCLU
Reverse Gear	4.70	6.10	3.00
Torque Converter	.....	.....	2.10
Axle	3.54/3.73	3.54/3.73	3.23/3.54

TABLE B.—NEW ENGINES

Body type (3a.)	Range of GVWR (3d.(i))	Range of test weights (3d.(ii))	Range of composite fuel economy ratings (3g.)
Regular Cab, Short Bed	6,050–7,000	4,250–4,500	16.0–17.5
Regular Cab, Long Bed	6,100–7,200	4,250–4,500	16.0–17.2
Extended Cab, Long Bed	6,100–7,400	4,500–5,000	15.5–17.0
Crew Cab, Long Bed	6,300–7,800	4,500–5,000	14.5–16.5

Model year	Production (3i)	Share of fleet, % (3i)	Notes (3h, 3j)
2001	36,000	5	Mid-year introduction, North American production.
2002	78,000	10	
2004	110,000	13	Extended cab introduced.
2005	120,000	14	Facelift.

Model year (3j.)	New model designation	Model replaced or augmented	Sales derived from old model	Additional sales anticipated
New Models				
2002	A—Std Pickup	T—Std Pickup	20,000	10,000
2003	A—Std Pickup	T—Std Pickup	50,000	30,000

TABLE C.—TECHNOLOGY IMPROVEMENTS

Technological improvement	Percent	Percent production share				
		2002	2003	004	2005	2006
(6a.) Improved Auto Trans.:						
LT–1	7.0	0	0	15	25	55
LT–2	6.5	0	0	0	20	25
LT–3	5.0	0	10	30	60	60
(6b) Improved Manual Trans.:						
LV–1	1.0	2	5	5	5	5
U–1	0.7	0	0	0	8	10

[1] Percent fuel economy improvement.

Year of introduction by model (4a./h.)	Type (4b.)	Displacement, L. (4c.)	Induction system (4d.)	Configuration (4c.)	Valves per cylinder(4f.)	Horse-power @ rpm (4g.)	Torque, lb-ft @ rpm (4g.)
New/Redesigned Engines							
2002—Std Pickups 2004—Std Vans	2-cycle Diesel	4.42	Turbo-charged, Direct injection.	W–9	3	250@4000	190@3500

TABLE D.—ACTUAL AND PROJECTED U.S. SALES AMALGAMATED MOTORS 2WD LIGHT TRUCK SALES PROJECTIONS

Model line	Model year					
	2001	2002	2003	2004	2005	etc.
0–8,500 lbs.GVWR:						
Std Pickup Heavy	43,500					
Std Pickup Light	509,340					
Compact Pickup	120,000					
Std Cargo Van Heavy	60,000					
Std Cargo Van Light	20,000					
Compact Cargo Van	29,310					
Std Passenger Van Heavy	54,196					
Std Passenger Van Light	38,900					
Compact Passenger Van	30,000					
Std Utility	53,800					
Compact Utility	44,000					
Other (Specify)						
8,501–10,000 Lbs.GVWR:						
Std Pickup Heavy	5,500					
Std Vans Heavy	4,000					
Other (Specify)						
Total	1,012,546					

TABLE E.—TOTAL U.S. TRUCK SALES

Model type	2001	2002	2003	2004	2005	2002
1. 2WD Light Trucks						
a. Pickup						
Compact						
Mid-size						
Standard						
b. Cargo Vans						
Compact						
Standard						
c. Passenger Vans						
Compact						
Standard						
d. Utilities						
Compact						
Standard						
Pass. Car Based						
e. Truck Based Station Wagons						
f. Other (Specify)						
2. 4WD Light Trucks [Same Breakout as 2WD]						
3. Total Light Trucks [2WD + 4WD]						

Dated: April 16, 2002.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 02–9736 Filed 4–17–02; 3:21 pm]

BILLING CODE 4910–59–P

Notices

Federal Register
Vol. 67, No. 77
Monday, April 22, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of a meeting of the Advisory Committee on Voluntary Foreign Aid (ACVFA).

Date: May 22, 2002 (8:45 a.m. to 5 p.m.)

Location: George Washington University, Marvin Center, 800 21st Street, NW., Washington, DC.

This meeting will feature discussion of development financing and the Millennium Challenge Account (the President's New Compact for Development). Participants will have an opportunity to ask questions of the speakers and to discuss the issues in more depth in small groups.

The meeting is free and open to the public. Persons wishing to attend the meeting can fax or e-mail their name to Larritus Jackson, 202–347–9212, *pvcsupport@datexinc.com.*

Dated: April 15, 2002.

Noreen O'Meara,

Executive Director, Advisory Committee on Voluntary Foreign Aid (ACVFA).

[FR Doc. 02–9783 Filed 4–19–02; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 02–006N]

Pathogen Reduction: A Scientific Dialogue

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing that it will hold a two-day symposium to discuss scientific data and issues associated with pathogen reduction and HACCP. The purpose of the meeting is to stimulate thinking and generate new ideas towards enhancement of the Agency's farm-to-table approach for ensuring the safety of meat, poultry, and egg products.

The symposium will focus on analysis and discussion of microbial testing, anti-microbial interventions, performance standards, and other pathogen-reduction inspection activities. Panels chaired by members of the academic scientific community will address questions such as how pathogens enter the food chain, options for constructing statistically sound performance sampling strategies, new trends in microbiology and microbial ecology, and new technologies to remove or inactivate pathogens on carcasses. This symposium is one of a series of meetings being held to discuss new approaches for increasing food safety in an HACCP environment.

DATES: The symposium is scheduled for May 6 and 7, 2002. It will be held from 8 a.m. to 5 p.m. on both days. A tentative agenda is available in the FSIS Docket Room and on the FSIS Web site at *http://fsis.usda.gov.*

ADDRESSES: The meeting will be held at the Georgetown University Conference Center, 3800 Reservoir Rd., NW., Washington, DC 20057; telephone (202) 687–3200. FSIS welcomes comments on the topics to be discussed at the symposium. Please send an original and two copies of comments to the FSIS Docket Clerk, Docket #02–006N, 102 Cotton Annex, 300 12th Street, SW., Washington, DC 20250–3700. All comments and the official transcript, when it is published, will be available in the FSIS Docket Room at the above address.

FOR FURTHER INFORMATION CONTACT: Dr. Karen Hulebak, Senior Advisor for Scientific Affairs, FSIS, at (202) 720–8609 or by fax at (202) 720–9893. FSIS encourages attendees to pre-register as soon as possible by contacting Ms. Sheila Johnson of the FSIS Planning Staff at (202) 690–6498 or by e-mail to *sheila.johnson@usda.gov.* If a sign language interpreter or other special accommodation is necessary, contact Ms. Johnson at the above numbers.

SUPPLEMENTARY INFORMATION:

Background

FSIS administers the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act. The Agency's activities are intended to prevent the distribution in domestic and foreign commerce of food that is unwholesome, adulterated, or misbranded, including products that may transmit diseases or that may be otherwise injurious to health.

In recent years, the Agency has placed increased emphasis on its public health protection role. Throughout the 1990's, the Agency's most important goal was an improved food safety inspection system, exemplified by the HACCP regulations, which are now fully implemented. FSIS has sought to enhance the public health by minimizing foodborne illness from meat, poultry, and egg products. The Agency has worked toward this goal by encouraging industry to adopt measures intended to reduce pathogens on raw products. In addition to regulatory activities aimed at achieving this goal, the Agency has sought to strengthen its relationships with the scientific community and with State and Federal public health agencies, to make food safety information and training available to people at each point in the food production and marketing chain, and to promote international cooperation in food safety.

The Agency's Strategic Plan for 2000–2005 provides that FSIS will continue to focus its operations and resources on food safety and will continue to strengthen the scientific basis for its regulatory activities and initiatives.

The Symposium

At the public meeting, university scientists will chair panels and facilitate dialogue among the panelists from government and academia in discussions about HACCP and pathogen reduction activities. The meeting will focus on questions concerning the entry of pathogens into the meat and poultry food chain and the challenges that the microbial ecology of meat and poultry pathogens present for pathogen control. Additional discussion will focus on intervention strategies such as carcass decontamination and process control methods, performance standards, and microbial testing.

Additional Public Notification

FSIS has considered the potential civil rights impact of this public meeting notice on minorities, women, and persons with disabilities. FSIS anticipates that this notice will not have a negative or disproportionate impact on minorities, women, or persons with

disabilities. However, **Federal Register** notices are designed to provide information and receive public comment on issues that may lead to new or revised Agency regulations or instructions. Public involvement in all segments of rulemaking and policy development is important. Consequently, women and persons with disabilities are aware of this notice and informed about the mechanism for providing their comment.

FSIS provides a weekly Constituent Update, which is communicated via fax to more than 300 persons and organizations. In addition, the update is available on-line through the FSIS Web page located at http://www.fsis.usda.gov. The update is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and other types of information that could affect or would be of interest to our constituents and stakeholders. The constituent fax list consists of industry, trade, and farm groups; allied health professionals; scientific professionals, and other individuals who have requested to be included. Through these various channels, FSIS is able to provide information to a much broader, more diverse audience. For more information and to be added to the constituent fax list, fax your request to the Congressional and Public Affairs Office at (202) 720–5704.

Done in Washington, DC, on: April 11, 2002.

Margaret O'K. Glavin,

Acting Administrator.

[FR Doc. 02–9690 Filed 4–19–02; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Payette National Forest, ID, Gaylord North Timber Sale

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA Forest Service will prepare the Gaylord North Timber Sale. The proposed action in the EIS is to manage timber stands to improve their productivity, reduce fire risk to timber and facilities in the Weiser River Canyon, reduce severity of current and future insect and disease activity, improve some compacted soils, decrease existing road levels, and provide wood fiber for society. The selected alternative from the decision notice (1996) for the Filly Creek and Rubicon timber sales will be the basis for the proposed action for the Gaylord North Timber Sale EIS. The EIS will analyze the effects of the proposed action and alternatives. The Payette National Forest invites written comments and suggestions on the scope of the analysis and the issues to address. The agency gives notice of the full National Environmental Policy Act (NEPA) analysis and decision making process on the proposal so interested and affected members of the public may participate and contribute in the final decision.

DATES: Comments need to be received in writing by May 28, 2002.

ADDRESSES: Send written comments to Faye L. Krueger, District Ranger, Council Ranger District, Payette National Forest, P.O. Box 567, Council, Idaho, 83612.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed project and scope of analysis should be directed to Michael Hutchins, NEPA Coordinator, at the above address, or by phone at (208) 253–0100.

SUPPLEMENTARY INFORMATION: The analysis area is about 12 air miles northeast to Council, Idaho. The proposed project is on the Council Ranger District within the 8,700-acre Beaver Creek subwatershed and the 7,700-acre Gaylord/Woodland subwatershed, two of six subwatersheds within the larger Upper Weiser River Watershed. The selected alternative from the decision notice (1996) for the Filly Creek and Rubicon timber sales will be the basis for the proposed action for the Gaylord North Timber Sale EIS. The proposed action will be in compliance with the Payette National Forest Land and Resource Management Plan (Forest Plan. 1988), as amended, which provides overall guidance for management of this area.

The purpose and need for activities are: (1) Provide wood fiber for society and contribute to the economic and social well-being of many people in the surrounding area and other areas; (2) generate revenue to finance activities to meet objectives in the Forest Plan; (3) manage timber stands to improve their productivity and move toward the desired conditions in the Forest Plan; (4) reduce fire risk to timber and facilities within the Weiser River Canyon; (5) reduce the severity of current and future insect and disease activity affecting timber stands in the area; (6) improve compacted soils on skid trails and landings; (7) improve fish and wildlife habitat, and water quality; and (8) contribute to meeting the Council Ranger District's portion of the Payette National Forest allowable sale quantity as established by the Forest Plan.

The proposal includes a variety of activities to meet the above eight purpose and need statements. (1) Harvest about 17 million board feet of timber from about 2,800 acres (about 15% of the project area). Harvest prescription would consist of 735 acres of commercial thinning, 450 acres of shelterwood harvesting, 920 acres of reserve tree harvesting, and 695 acres of sanitation and salvage harvesting. Yarding systems would consist of 1,490 acres of tractor logging, 990 acres of skyline logging, and 320 acres of helicopter logging. (2) Plant about 945 acres with conifer seedlings. (3) Finalize construction of 17.5 miles of road, of which 11.6 miles have been substantially completed (some blading, clearing and burning of slash, seeding, and gate installation, etc. remain to be completed), 2.1 miles have been ''pioneered'' (right-of-way logs cut and skidded), and 3.8 miles have not been started. (4) Following activities, keep open the Beaver Creek Road (#50169), Beaver Creek Contour Road (#50167), Vick Road (#50176), Joker Creek Road (#50486), Joker Creek Cutoff Road (#50149), Marlin Road (#51495), Rubicon Road (#50587), Gaylord Creek Road (#50171), Trestle Pin Road (#51648), Gay Pin Road (#51694), Railroad Creek Road (#50629), Filly Creek Road (#50168), and the Filly Creek Contour Road (#50179). (5) Continue closure of the Beaver State Road (#51588), Beaver Pin Road (#51535), and the Beaver Gulch Road (#51696) following activities. (6) Decommission about 20 miles of existing road about 11 miles of classified roads and 9 miles of non-classified roads), of which 13.2 miles are in riparian areas, through timber sale generated funds. (7) Improve about 21 miles of existing roads by repairing road surfaces, ditches, and stream crossing and placing gravel on about 12 miles or unsurfaced roads. (8) Reduce the open road density in the area from 2.8 miles of open road per square mile to 2.0 miles (a square mile is generally a section in size). (9) Extend Road #50474 by 0.7 miles down the ridgeline on the south side of Gaylord Creek to allow 85 acres to be skyline logged with the requirement that long butts and tops with attached limbs will be yarded to the landings. Logging slash will be burned at these landings. (10) Pile and burn about 690 acres (of which about 170 acres are within the Weiser River canyon) and broadcast burn about 345 acres (of which about 90 acres are

within the Weiser River canyon). (11) Rip about 70 acres of skid trails and 55 acres of log landings following timber sale activities. (12) Monitor to ensure accomplishment of project objectives and validate assumptions. If timber sale generated funds are available, the following additional activities would be implemented: (a) fence about 625 acres of regeneration treatments on slopes less than 35 percent to exclude cattle grazing following reforestation, (b) rip about 80 acres of existing skid trails and 65 acres of existing log landings, and (c) implement additional watershed restoration by using gully plugs, channel rerouting, vegetation planting, and adding large woody debris and fish habitat structures to streams.

The Forest Service will identify issues the analysis should address. The following resource areas will likely need to be analyzed in the EIS: (1) Water Quality—The proposal may increase erosion and sedimentation within the analysis area, impair beneficial uses of water, and affect a 303(d) listed stream (Weiser River). (2) Fisheries Resource—The proposal may adversely affect aquatic habitats for native fishes. (3) Forest Vegetation—Some timbered stands in the project area are susceptible to insects and disease, and by fire. Timber stand structure, species composition, and density have moved away from historic conditions. The proposal will alter vegetation structure, composition, and density. (4) Fire and Fuels—Risk of fire to private lands, homes, powerlines, and Highway 95 is concentrated in the Weiser River Canyon. (5) Wildlife Resource—The proposal may affect abundance, distribution, and structure of terrestrial species (endangered and threatened, Payette National Forest sensitive, and management indicator species) and the continued capability of the watershed to support viable populations. (6) Roads and Access Management—The level of road reconstruction and decommissioning needed to improve aquatic and terrestrial species may affect some Forest users' ability to access the area by motorized vehicle. (7) Economics/Socio-Economics—The proposal has potential to influence income and jobs.

A range of reasonable alternatives will be considered. The no-action alternative will serve as a baseline for comparison of alternatives. The proposed action will be considered along with additional alternatives developed that meet the purpose and need and address significant issues identified during scoping. Alternatives may have different amounts, locations, and types of project activities.

Comments received in response to this notice, including the names and addresses of those who comment, will be part of the project record and available for public review.

A public meeting is anticipated to occur following issuance of the draft EIS. The public meeting will be announced in the Payette National Forest's newspaper of record, the Idaho Statesman, Boise, Idaho.

The Forest Service is seeking information and comments from other Federal, State, and local agencies; Tribal governments; organizations; and individuals who may be interested in or affected by the proposed action. This input will be used in the preparation of the draft EIS.

Comments will be appreciated throughout the analysis process. The draft EIS will be filed with the Environmental Protection Agency (EPA) and is anticipated to be available for public review by Fall 2002. The comment period on the draft EIS will be 45 days. It is important that those interested in the management of the Payette National Forest participate at that time.

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 EISs 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). Also, environmental objections that could be raised at the draft EIS stage, but that are not raised until completion of the final EIS, may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F .2d 1016, 1002 (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 important that those interested in this proposed action participate by the close of the 45-day comment period so 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 EIS.

To assist the Forest Service in identifying and considering issues raised by the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft EIS. Comments may also address the adequacy of the draft EIS 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 40 CFR 1503.3 in addressing these points.)

After the 45-day comment period ends on the draft EIS, the Forest Service will analyze comments received and address them in the final EIS. The final EIS is scheduled to be released in spring 2003. In the final EIS, the Forest Service will respond to substantive comments received during the 45-day comment period. The Responsible Official (Forest Supervisor, Payette National Forest) will document the Gaylord North Timber Sale EIS decision and rationale in a Record of Decision (ROD). The decision will be subject to review under Forest Service appeal regulations 36 CFR part 215.

Dated: April 16, 2002.

Robert S. Giles,

Acting Forest Supervisor.

[FR Doc. 02–9723 Filed 4–19–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Lahaina Watershed, Maui County, HI

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement.

SUMMARY: Pursuant to Council on Environmental Quality regulations (40 CFR parts 15001508) implementing the procedural provisions National Environmental Policy Act, the Department of Agriculture, Natural Resources Conservation Service (USDA, NRCS) gives notice that an Environmental Impact Statement (EIS) is being prepared for a proposed flood prevention project in the Lahaina Watershed, Maui County, Hawaii.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Kaneshiro, State Conservationist, Natural Resources Conservation Service, 300 Ala Moana Blvd., Room 4118, Honolulu, Hawaii, 96850, telephone: (808) 5412600 ext. 100.

SUPPLEMENTARY INFORMATION: This federally-assisted action was supported by an Environmental Assessment and Finding of No Significant Impact published in July 1992. No implementation actions were taken at that time due to funding constraints. Recent reevaluation of the project finds

a changed project setting and indicates that the project may cause significant impacts to the environment. As a result, Kenneth M. Kaneshiro, State Conservationist, has determined that the preparation and review of an environmental impact statement is needed for this project.

The project will be implemented under authority of the Watershed Protection and Flood Prevention Act (Pub. L. 83–566), as amended, for the purpose of flood prevention. Sponsoring local organizations (SLO) are the County of Maui, Department of Public Works and Waste Management and the West Maui Soil and Water Conservation District.

Alternatives under consideration include a floodwater diversion channel that starts south of Lahainaluna Road and extends to Kauaula Stream. The proposed project also includes the construction of an inlet basin, three (3) sediment basins, a debris basin at Kauaula Stream leading to an outlet at Puamana channel and a second outlet to the south with an additional sediment basin. Other alternatives to meet the objectives of the flood prevention project will be formulated and evaluated.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Natural Resources Conservation Service invites participation and consultation of agencies and individuals that have special expertise, legal jurisdiction, or interest in the preparation of the draft environmental impact statement. All written and verbal comments received in response to this Notice of Intent will be considered in determination of the scope of the environmental impact statement. The SLOs will be issuing an Environmental Impact Statement Preparation Notice (EISPN) pursuant to Hawaii Revised Status (HRS) Chapter 343 and have already begun a public participation process in the affected community, including public meetings and compilation of a list of interested organizations and agencies. This Notice of Intent will be mailed, along with background information on the Lahaina Watershed, to organizations and agencies on the SLO mailing list. The Notice of Intent will also be published in a local newspaper and in the Office of Environmental Quality Control's *Environmental Notice*. To the extent practicable, NEPA and HRS 343 requirements will be coordinated in the preparation of the EIS document. Due to earlier public scoping meetings held during the federal EA process and ongoing efforts by the SLOs to keep the public informed of this project, a public meeting for the expressed purpose to determine the scope of the evaluation of the project will not be held.

Please provide comments to Kenneth M. Kaneshiro, State Conservationist, at the above address or telephone.

(This activity is listed in the Catalogue of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with state and local officials.)

Dated: April 12, 2002.

Kenneth M. Kaneshiro,

State Conservationist.

[FR Doc. 02–9793 Filed 4–19–02; 8:45 am]

BILLING CODE 3210–16–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–557–805]

Extruded Rubber Thread from Malaysia; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On November 6, 2001, the Department of Commerce published the preliminary results of administrative review of the antidumping duty order on extruded rubber thread from Malaysia (66 FR 56057). This review covers three manufacturers/exporters of the subject merchandise to the United States (Filati Lastex Sdn. Bhd., Heveafil Sdn. Bhd./Filmax Sdn. Bhd, and Rubberflex Sdn. Bhd.). The period of review is October 1, 1999, through September 30, 2000.

Based on our findings at verification and the identification of certain clerical errors, we have made changes in the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled ''Final Results of Review.''

EFFECTIVE DATE: April 22, 2002.

FOR FURTHER INFORMATION CONTACT: Irina Itkin or Elizabeth Eastwood, Office of AD/CVD Enforcement, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC, 20230; telephone (202) 482–0656 or (202) 482–3874, 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's) regulations are to 19 CFR Part 351 (2000).

Background

On November 6, 2001, the Department published in the **Federal Register** the preliminary results of the administrative review of the antidumping duty order on extruded rubber thread from Malaysia. *See Extruded Rubber Thread from Malaysia; Preliminary Results of Antidumping Duty Administrative Review*, 66 FR 56057 (Nov. 6, 2001).

In response to the Department's invitation to comment on the preliminary results of this review, Heveafil Sdn. Bhd./Filmax Sdn. Bhd. (Heveafil) and Filati Lastex Sdn. Bhd. (Filati) submitted comments on December 6, 2001, regarding certain clerical errors in the preliminary results. On December 19, 2001, we postponed the final results of this review until no later than May 6, 2002, in order to allow us to conduct foreign verifications for Filati, Heveafil, and Rubberflex, and U.S. verifications for Heveafil and Rubberflex. (The U.S. verification for Filati was conducted prior to the preliminary results.) S*ee Extruded Rubber Thread from Malaysia; Notice of Extension of Time Limits for Final Results of Antidumping Duty Administrative Review*, 66 FR 65471 (Dec. 19, 2001).

In January, February, and March 2002, we conducted verifications of the sales and cost data submitted by Filati, Heveafil, and Rubberflex. After verification, we gave interested parties an opportunity to comment on our preliminary results and verification findings, but we did not receive case briefs from any party to this proceeding. The Department has conducted this administrative review in accordance with section 751 of the Act.

Scope of Review

The product covered by this review is extruded rubber thread. Extruded rubber thread is defined as vulcanized rubber thread obtained by extrusion of stable or concentrated natural rubber latex of any cross sectional shape, measuring from 0.18 mm, which is 0.007 inch or 140 gauge, to 1.42 mm, which is 0.056 inch

or 18 gauge, in diameter. Extruded rubber thread is currently classifiable under subheading 4007.00.00 of the *Harmonized Tariff Schedule of the United States* (HTSUS). The HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of this review is dispositive.

Period of Review

The period of review (POR) is October 1, 1999, through September 30, 2000.

Changes Since the Preliminary Results

Based on our findings at verification and the identification of certain clerical errors, we have made certain changes in the margin calculations. These changes are discussed in the May 6, 2002, calculation memoranda to the file entitled ''Calculations Performed for Filati Lastex Sdn. Bhd. in the Final Results of the Antidumping Duty Administrative Review on Extruded Rubber Thread from Malaysia,'' ''Calculations Performed for Heveafil Sdn. Bhd., Filmax Sdn. Bhd., and Heveafil USA, Inc. in the Final Results of the Antidumping Duty Administrative Review on Extruded Rubber Thread from Malaysia,'' and ''Calculations Performed for Rubberflex Sdn. Bhd in the Final Results of the Antidumping Duty Administrative Review on Extruded Rubber Thread from Malaysia.''

Final Results of Review

We determine that the following weighted-average margins exist for the period October 1, 1999, through September 30, 2000:

Manufacturer/Exporter	Percentage Margin
Filati Lastex Sdn. Bhd. ...	18.52
Heveafil Sdn. Bhd./ Filmax Sdn. Bhd.	0.20
Rubberflex Sdn. Bhd.	0.00

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b), we have calculated importer- specific assessment rates. For Filati and Heveafil, we divided the total dumping margins for the reviewed sales by their total entered value for each importer. In addition, for Rubberflex's constructed export price sales, we divided the total dumping margins for these sales by their total entered value for the affiliated importer. We will direct Customs to assess the resulting percentage margins against the entered values for the subject merchandise on each of that importer's entries. However, we will instruct Customs to liquidate, without regard to antidumping duties, all entries for any importer for whom the assessment rate is *de minimis* (*i.e.*, less than 0.50 percent), pursuant to 19 CFR 351.106(c)(2).

For Rubberflex's EP sales, we divided the total dumping margins by the entered quantity for each importer. We will direct Customs to assess these per-unit amounts on all entries by these importers.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of extruded rubber thread from Malaysia entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) the cash deposit rates for the reviewed firms will be the rates shown above, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106, the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 15.16 percent. This rate is the ''All Others'' rate from the LTFV investigation.

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice 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.

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation. We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: April 16, 2002.

Bernard T. Carreau,

Acting Assistant Secretary for Import Administration.

[FR Doc. 02–9807 Filed 4–19–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–848]

Freshwater Crawfish Tail Meat from the People's Republic of China; Notice of Final Results of Antidumping Duty Administrative Review, and Final Partial Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

SUMMARY: On October 12, 2001, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China (PRC). *See Freshwater Crawfish Tail Meat from the People's Republic of China: Notice of Preliminary Results of Antidumping Duty Administrative Review and Preliminary Partial Rescission of Antidumping Duty Administrative Review*, 66 FR 52100 (October 12, 2001). The administrative review covers the period September 1, 1999, through August 31, 2000.

Based on our analysis of the comments received, we have made changes to the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted–average dumping margins for the reviewed firms are listed below in the section entitled ''Final Results of Review.''

EFFECTIVE DATE: April 22, 2002.

FOR FURTHER INFORMATION CONTACT: Doug Campau or Maureen Flannery; Office of Antidumping/Countervailing Duty Enforcement VII, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC 20230;

telephone (202) 482–1395 or (202) 482–3020, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the Tariff Act of 1930, as amended (the Act). In addition, unless otherwise indicated, all citations to the Department's regulations are to the provisions codified at 19 CFR part 351 (2000).

Background

On October 12, 2001, the Department published, in the **Federal Register**, the preliminary results of the antidumping duty administrative review on freshwater crawfish tail meat from the PRC. *See Freshwater Crawfish Tail Meat from the People's Republic of China: Notice of Preliminary Results of Antidumping Duty Administrative Review and Preliminary Partial Rescission of Antidumping Duty Administrative Review*, 66 FR 52100 (October 12, 2001). Since the publication of the preliminary results, the following events have occurred. On October 29, 2001, Ningbo Nanlian Frozen Foods Company, Ltd. (Ningbo Nanlian) and Louisiana Packing Company submitted a study on the Spanish crawfish industry published by the Government of Andalucia, Spain. On November 1, 2001, Ningbo Nanlian and Louisiana Packing Company, Fujian Pelagic Fishery Group Co. (Fujian Pelagic), Qingdao Zhengri Seafood Company, Ltd. (Qingdao Zhengri), Yangzhou Lakebest Co. Ltd. (Lakebest), Qingdao Rirong Foodstuff Co., Ltd. (Qingdao Rirong), Yancheng Haiteng Aquatic Products & Foods Co., Ltd. (Haiteng), and Suquian Foreign Trade Co., Ltd. (Suquian FTC), submitted timely information on surrogate values. The Crawfish Processors Alliance, the petitioners, as well as the Louisiana Department of Agriculture & Forestry and Bob Odom, Commissioner, also submitted timely information on proposed surrogate values on November 1, 2001. On November 27, 2001, we received timely case briefs from the following respondents: Lakebest, Qingdao Rirong, Haiteng, and Suqian FTC (collectively, Lakebest et al); Fujian Pelagic, Huaiyin 30, Yancheng Foreign Trade, Ltd. (YFT), and Yancheng Yaou (collectively Fujian Pelagic et al); Ningbo Nanlian and Louisiana Packing Company; and Huaiyin Foreign Trade Corporation (5) (Huaiyin 5), renamed Jiangsu Hilong International Trading Company Ltd., subsequent to the POR (Jiangsu Hilong). We also received comments from petitioners.

On December 4, 2001, we received rebuttal briefs from Lakebest, et al; Ningbo Nanlian and Louisiana Packing Company; and petitioners.

During the week of February 25, 2002, the Department sent a team to Spain to discuss with government and industry officials the study of the Spanish freshwater crawfish industry printed by the Junta de Andalucia, Consejeria de Agricultura y Pesca (Government of Andalucia, Department of Agriculture and Fisheries) (the Spanish Study).

On March 12, 2002, the Department released its reports regarding these meetings to all interested parties. We received comments from parties on March 19, 2002, and rebuttals on March 21, 2002.

Both petitioner and certain respondents submitted untimely new factual information in their surrogate value submissions, in comments on the Department's Spain trip reports, or in their briefs. We rejected this new factual information pursuant to 19 CFR 351.301(b)(2) and (c)(3) and requested that the parties refile their comments on the Department's Spain trip reports, surrogate value submissions, and briefs, which they did on March 21, 2002, April 1, 2002, and April 2, 2002, respectively. On March 21, 2002, April 1, 2002, and April 5, 2002, objections were filed by either petitioner or the respondent party concerning the Department's return of the untimely new factual information. We addressed the comments concerning the Department's decision to reject these submissions in two separate memos to the file: ''Memorandum to the File Freshwater Crawfish Tail Meat from The People's Republic of China: Rejection of New Factual Information Submitted By Petitioner''and ''Memorandum to the File Freshwater Crawfish Tail Meat from The People's Republic of China: Rejection of New Factual Information Submitted By Ningbo Nanlian'' (dated April 10, 2002).

On March 22, 2002, the Department conducted a public hearing on the issues presented by interested parties in their case and rebuttal briefs.

The Department has now completed this review in accordance with section 751 of the Act.

Scope of the Antidumping Duty Order

The product covered by the antidumping duty order is freshwater crawfish tail meat, in all its forms (whether washed or with fat on, whether purged or unpurged), grades, and sizes; whether frozen, fresh, or chilled; and regardless of how it is packed, preserved, or prepared. Excluded from the scope of the order are live crawfish and other whole crawfish, whether boiled, frozen, fresh, or chilled. Also excluded are saltwater crawfish of any type, and parts thereof. Freshwater crawfish tail meat is currently classifiable in the Harmonized Tariff Schedule of the United States (HTS) under item numbers 1605.40.10.10, 1605.40.10.90, 0306.19.00.10 and 0306.29.00.00. The HTS subheadings are provided for convenience and Customs purposes only. The written description of the scope of this order is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the *Issues and Decision Memorandum from Joseph A. Spetrini, Deputy Assistant Secretary for Import Administration, Group III, to Faryar Shirzad, Assistant Secretary for Import Administration: Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review and Final Partial Rescission of Antidumping Duty Administrative Review of Freshwater Crawfish Tail Meat from the People's Republic of China: September 1, 1999 through August 31, 2000*, dated April 10, 2002 (*Decision Memo*), which is hereby adopted by this notice.

A list of the issues which 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 Commerce Building. In addition, a complete version of the *Decision Memo* can be accessed directly on the Web at http://ia.ita.doc.gov. The paper copy and electronic version of the *Decision Memo* are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made certain changes in the margin calculations. We have also corrected certain clerical errors from our preliminary results. Finally, for packing materials, we are using updated Indian import statistics for the period April 2000 through January 2001. See the April 10, 2002 memorandum entitled ''Packing Material Surrogates Used for the Final Results of the 1999–2000 Administrative Review of Freshwater Crawfish Tail Meat from the People's Republic of China.'' For a discussion of the issues and changes made for each company, refer to the *Decision Memo*.

Partial Rescission of Administrative Review

In our preliminary results, we concluded that YFT did not have any sales to the United States during the period of review, and thus was not entitled to a review under section 751(a) of the Act. For a further discussion of this issue, see the relevant sections of the *Decision Memo*; *see also Memorandum to Barbara E. Tillman through Maureen Flannery from Elfi Blum: Freshwater Crawfish Tail Meat from the People's Republic of China (PRC); Yancheng Foreign Trade, Ltd. (YFT), formerly Yancheng Foreign Trade Corporation (YFTC): Intent to Rescind Administrative Review* (September 24, 2001). After reviewing the comments received with respect to YFT, we have concluded that our preliminary determination was appropriate because YFT had no sales to the United States during the POR. Therefore, we are rescinding the administrative review of YFT.

Furthermore, we did not receive any comments regarding our preliminary decision to rescind the review with respect to Anhui Chaohu Daxin Meat Poultry Co, Ltd.; Anhui Provincial Aquatic Co.; Baoluu Waterstuff Co., Ltd.; Baoying Freezing Plant; Baoying County Freezing Plant; Beijing Farenco; Ever Concord; Feidong Freezing Plant; Fubao Aquatic Foodstuff Co., Ltd.; Fujian Hualong Aquatic Trade Development Co. Lianjian Seafood Processing Plant; Fujian Hualong Aquatic Trade Development; Funing County Frozen Food; Guangzhou Xinye Plastic Products; Hengji Trading Co., Ltd.; Hexing Foodstuff Co., Ltd.; Hongze County Laoshan Danxian Freezing Factory; Hongze Lake Green Food Co., Ltd.; Hongze County Aquatic Freezing Factory; Hua Yin; Huai Yin; Huaiyin County Freezing Factory; Huaiyin Foreign Economic Relations and Trade Committee; Huaiyin Foreign Trade Corp. Shunda Branch; Huaiyin Foreign Trade Corporation; Huaiyin Foreign Trading; Huaiyin Luky Trade Corp.; Huaiyin Shunda Economic and Technology Trading Co.; JAS Forwarding; Jiangsu Zhenfeng Group Foodstuff; Jiangsu Zhenfeng Group; Jiangsu Lukang Foodstuffs; Jin Hu Foreign Trading; Jinghu Aquatic Foodstuff Processing Plant; Jinpeng Agriculture and By–Product Development Co.; Laoshan Brother Freezing Plant; Liaoning Limeng Exports & Imports; Neptune International; Panwin Logistics; Qidong Baoluu Aquatic Food Co., Ltd.; Qingdao Shun Hang Forwarding; Qingshan Foodstuff Co., Ltd.; Rich Shipping; Seatrade International, aka Seatrade Enter.; Shanghai Guangxum Trading; Toyo Warehouse, aka TKK Toyo; Weishan Jinmuan Foodstuff; Y & Z International, aka Y & Z International Trading; Yancheng Baolong Biochemical Products, Co., Ltd.; Yancheng Haibao Foods; Mr. Yang Yi Xiang; Yangzhou Foreign Trading; Yiaxian No. 2 Freezing Factory; Yundong Aquatic Products Processing Factory; Yundong Waterstuff Processing Plant; Zegao Daxin Foodstuff Freezing Plant; Zegao Foodstuff Freezing Plant; Zhenfeng Foodstuff Co.; Zhenfeng Group Food Co.; Ocean Harvest and Nantong Delu; Anhui Cereals, Oils & Foodstuffs; Fujian Hualong Aquatic Trade Development Co. Lianjian Seafood Processing Plant; Huaiyin Foreign Trade Corporation (1); Huaiyin Foreign Trade Corporation (3); Mr. Edward Lee; Lianyungang Haiwang Aquatic Products Co., Ltd.; Mr. Lin Zhong Nan; Mr. Ma Guo Zhong; Pacific Coast Fisheries Corp.; Shanghai Zhongjian International Trading; Suyang Shuangyu Foodstuff Co., Ltd.; Mr. Wei Wei, aka Philip Wei; Mr. Wei Zhang, aka Zhang Wei; Weishan Hongfa Lake Foodstuff Co., Ltd., aka Weishan Fongfa Lake Foodstuff; Yancheng Fubao Aquatic Food Co., Ltd.; and Mr. Yang Yi Xiang. Therefore, we are rescinding the review with respect to these companies.

In the preliminary results, the Department determined that Qingdao Zhengri and Yancheng Seafood should be treated as a single entity for purposes of this administrative review. Qingdao Zhengri and Yancheng Seafood's consolidated supplemental response states that Yancheng Seafood negotiates the price with U.S. customers on behalf of Qingdao Zhengri, and that Qingdao Zhengri receives payment for such sales. The sales for which Qingdao Zhengri produced the merchandise account for a significant portion of Qingdao Zhengri/Yancheng Seafood's reported U.S. sales. We also note that in their response to the Department's questionnaire, the total volume and value of sales for both Qingdao Zhengri and Yancheng Seafood were consolidated in Yancheng Seafood's section A response. *See* Yancheng Seafood's January 22, 2001, response to section A of the Department's questionnaire. Furthermore, the companies submitted a consolidated response to sections C and D of the Department's questionnaire, and to the Department's supplemental questionnaire for sections A, C, and D. *See* Yancheng Seafood and Qingdao Zhengri's July 23, 2001, response to the Department's supplemental questionnaire. For the reasons cited above, the Department is treating these two companies as a single entity for these final results.

In the preliminary results, the Department erroneously stated that it was preliminarily rescinding the review of Fujian Pelagic. To clarify, the Department has conducted an administrative review of Fujian Pelagic for this POR.

Determination to Apply Facts Available

The Department received no comments on its preliminary determination to apply facts available to Shantou SEZ Yangfeng Marine Products Co. (Yangfeng Marine). Therefore, we have not altered our decision to apply facts available to Yangfeng Marine for these final results of review.

Section 776(a)(2) of the Act provides that if any interested party: (A) withholds information that has been requested by the Department; (B) fails to provide such information in a timely manner or in the form or manner requested; (C) significantly impedes an antidumping investigation; or (D) provides such information but the information cannot be verified, as provided in section 782(i) of the Act, the Department shall, subject to section 782(d) of the Act, use the facts otherwise available in reaching the applicable determination under this title.

Yangfeng Marine failed to respond to sections C and D of the Department's questionnaire. As a result, we were unable to obtain the information necessary to conduct a review. Therefore, in accordance with section 776(a)(2)(A) of the Act, we are applying facts available to Yangfeng Marine. *See*, *e.g.*, *Silicon Metal from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review*, 63 FR 37850 (July 14, 1998); and *Silicon Metal From the People's Republic of China; Final Results of Antidumping Duty Administrative Review*, 63 FR 37850 (July 14, 1998). Because Yangfeng Marine failed to provide section C and D questionnaire responses on the record, section 782(d) does not apply. Further, absent these sections, the Department cannot calculate export price or normal value, and thus any remaining information cannot form the basis for this determination under section 782(e). Therefore, in accordance with section 776(a)(2), we are applying facts available to Yangfeng Marine.

As noted above, we have determined that Qingdao Zhengri and Yancheng Seafood should be treated as a single entity. Since Qingdao Zhengri did not allow verification of its portion of the

consolidated response, the Department considers the whole of the consolidated response to be unverifiable. Therefore, in accordance with section 776(a)(2)(D) of the Act, we are applying facts available to Qingdao Zhengri/Yancheng Seafood. For a discussion of why we are continuing to apply facts available to Qingdao Zhengri/Yancheng Yaou Seafood (Yancheng Seafood), see the *Decision Memo* at Comment 18.

Section 776(b) of the Act provides that the Department may apply adverse facts available to a respondent when that respondent fails to cooperate to the best of its ability. As noted above, in the instant administrative review, Yangfeng Marine and Qingdao Zhengri/Yancheng Seafood failed to provide complete and/or verifiable responses. With respect to Yangfeng Marine, this company failed to provide full section C and D questionnaire responses. These responses are necessary for the Department to calculate an accurate margin. Without section C and D information, the record is devoid of information concerning U.S. sales and factors of production. At no time did Yangfeng Marine indicate to the Department that it was having difficulties complying with the Department's requests for information, nor did it seek assistance from the Department. Therefore, we conclude that Yangfeng Marine has failed to cooperate in this review.

With respect to Qingdao Zhengri/Yancheng Seafood, after the Department received a letter from Qingdao Zhengri indicating that it would not submit to verification, the Department issued Qingdao Zhengri/Yancheng Seafood a letter indicating that it would not be possible for the Department to verify only parts of the companies' consolidated response. The letter pointed out that if a company objects to verification, the Department will not conduct verification and may disregard any or all information submitted by the company in favor of the use of the facts available. Qingdao Zhengri/Yancheng Seafood never responded to the Department's letter, and made no subsequent efforts to contact or arrange verification with the Department. Therefore, we determine that these entities did not cooperate by acting to the best of their ability in complying with the Department's requests for information.

We are treating all the above companies, together with all other PRC companies that have not established that they are entitled to separate rates, as a single enterprise subject to government control. Furthermore, we have determined the rate to be applied to this single enterprise is a PRC–wide rate based on adverse facts available, in accordance with section 776(b) of the Act. Section 776(b) of the Act states that adverse facts available may include information derived from the petition, the final determination, a previous administrative review, or other information placed on the record. As adverse facts available, we are using the rate of 223.01 percent for Huaiyin 30, the highest calculated rate in this segment of the proceeding, which is also the highest rate from any segment of the proceeding.

We received documentation from the U.S. Customs service regarding entries of crawfish tail meat made during the POR. On January 11, 2002, we sent letters to Huaiyin 5 and Huaiyin 30, stating that entry documentation indicated entries of merchandise exported by them during the POR that had not been reported by them to the Department, or that had been reported differently than shown on the Customs documentation. These respondents indicated that certain entries of crawfish tail meat during the POR purported to have been exported by respondents were not, in fact, exported by them. *See* letter to the Department from Huaiyin 5, dated January 18, 2002; letter to the Department from Huaiyin 5, dated January 25, 2002; letter to the Department from Ningbo Nanlian, dated January 25, 2002 (in support of Huaiyin 5); and letter to the Department from Huaiyin 30, dated January 16, 2002. The details of these letters and the identity of the importer(s), which Huaiyin 5 and Huaiyin 30 deny they ever exported to, are proprietary; however, based on the information certified by Ningbo Nanlian, Huaiyin 5, and Huaiyin 30, we conclude that these are entries of subject merchandise from an exporter that does not have a separate rate, and will instruct the Customs Service to liquidate these entries at the PRC–wide rate.

Final Results of Review

We determine that the following weighted–average margins exist for the period September 1, 1999 through August 31, 2000:

Manufacturer/Exporter	Time Period	Margin (percent)
Ningbo Nanlian/ Huaiyin5 (a.k.a. Jiangsu Hilong International Trading Company, Ltd.)	9/1/99–8/31/00	62.51 percent
Yancheng Haiteng	9/1/99–8/31/00	65.81 percent
Huaiyin 30	9/1/99–8/31/00	223.01 percent
Fujian Pelagic	9/1/99–8/31/00	174.04 percent
Yangzhou Lakebest	9/1/99–8/31/00	41.93 percent
Suqian FTC	9/1/99–8/31/00	41.41 percent
Qingdao Rirong	9/1/99–8/31/00	9.76 percent
Nantong Shengfa	9/1/99–8/31/00	45.40 percent
PRC–Wide Rate	9/1/99–8/31/00	223.01 percent

Assessment of Antidumping Duties

Upon completion of this administrative review, the Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the U.S. Customs Service. For assessment purposes, where possible, we calculated importer–specific assessment rates for freshwater crawfish tail meat from the PRC. We divided the total dumping margins (calculated as the difference between normal value and export price or constructed export price) for each exporter/importer by the total quantity of subject merchandise sold by that exporter to that importer during the POR. Upon the completion of this review, we will direct Customs to multiply the resulting quantity–based rates by the weight in kilograms of each entry of the subject merchandise on an importer–specific basis for the POR.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of these final results for this administrative review for all shipments of freshwater crawfish tail meat from the PRC entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) For exporters with separate rates listed above, we will establish a per kilogram cash deposit

rate which will be equivalent to the company–specific cash deposit established in this review except that, for firms whose weighted–average margins are less than 0.5 percent and therefore *de minimis*, the Department shall require no deposit of estimated antidumping duties; (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; (3) for all other PRC exporters, the cash deposit rate will be the PRC–wide rate, 223.01 percent; and (4) for all other non–PRC exporters of the subject merchandise, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice 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 subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 351.305(a)(3) of the Department's regulations. 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 the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: April 10, 2002.

Faryar Shirzad,

Assistant Secretaryfor Import Administration.

APPENDIX

List of Issues

Comment 1: Use of Australia Bureau of Agriculture and Resource Economics (ABARE) Statistics or Mulataga Information to Value Live Crawfish

Comment 2: Whether the Spanish Study is a Reliable Source of Live Crawfish Prices and Represents the Best Available Information

Comment 3: Size and Weight of Live Spanish Crawfish

Comment 4: Whether Crawfish Capture in Spain Is Performed with Unbaited Nets

Comment 5: Whether Spanish Crawfish Prices Are Aberrational

Comment 6: Similarity of Spanish GDP to That of China

Comment 7: The Spain Trip Versus the Australia and Mexico Trips

Comment 8: Use of Mexican Data as a Surrogate Value for Whole, Live Crawfish

Comment 9: Comparability of Economies

Comment 10: Suggested Wet–Dry Weight Conversion Factor for Crawfish Scrap, Based on Information from an Indian Chitosan Producer

Comment 11: The Appropriate Factor for Use in Calculating a Wet–Dry Conversion Factor

Comment 12: Suggested Wet–Dry Weight Conversion Ratio of 50 Percent for Crawfish Scrap

Comment 13: Incorporation of a Wet–Dry Weight Conversion Factor for Scrap for Yangzhou Lakebest (Lakebest)

Comment 14: Suqian's Wet–Dry Conversion

Comment 15: Suqian's and Yancheng Haiteng's Coal Freight Expense

Comment 16: Rescission of Review for Yancheng Foreign Trade, Ltd. (YFT)

Comment 17: The Department's Refusal to Review Certain Sales of Huaiyin Foreign Trade Corporation (30) (Huaiyin 30)

Comment 18: Whether the Department Improperly Determined that Fujian Pelagic and Pacific Coast are not Affiliated Parties

Comment 19: Whether the Department Improperly Applied Facts Available to Yancheng Yaou

Comment 20: Single Rate for Huaiyin 5 and Ningbo Nanlian

Comment 21: Yancheng Haiteng's Indirect Selling Expenses Ratio

Comment 22: Yancheng Haiteng's Marine Insurance Factor

Comment 23: Certain Domestic Parties' Status as Interested Parties

Application of the Continued Dumping and Subsidy Offset Act of 2000 (Byrd Amendment)

[FR Doc. 02–9802 Filed 4–19–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–846]

Hot-Rolled Flat-Rolled Carbon-Quality Steel Products from Japan: Extension of Time Limit for Preliminary Results of Antidumping Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Extension of Time Limit for Preliminary Results of Administrative Review.

EFFECTIVE DATE: April 22, 2002.

FOR FURTHER INFORMATION CONTACT: Doug Campau or Maureen Flannery, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone: (202) 482–1395 or (202) 482–3020, respectively.

The Applicable Statute

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's regulations are to the current regulations, codified at 19 CFR part 351 (2001).

SUPPLEMENTARY INFORMATION: The Department published in the Federal Register an antidumping duty order on certain hot-rolled, flat-rolled, carbon-quality steel products (hot-rolled steel) from Japan on June 29, 1999 (64 FR 34778). We published a notice of initiation of this antidumping duty administrative review on hot-rolled steel on July 23, 2001 (66 FR 38252). The period of review (POR) is June 1, 2000 through May 31, 2001. On September 4, 2001, Kawasaki - the sole respondent in this administrative review - informed the Department that it had not made any shipments of subject merchandise during the POR.

Pursuant to section 751(a)(3)(A) of the Act, the Department shall make a preliminary determination in an administrative review of an antidumping duty order within 245 days after the last day of the anniversary month of the date of publication of the order. The Act further provides, however, that the Department may extend the 245–day period to 365 days if it determines that it is not practicable

to complete the review within the foregoing time period. In this case, the Department requires additional time to confirm that there have been no entries of subject merchandise from Kawasaki during the POR. Therefore, it is not practicable to complete this administrative review within the time limit mandated by section 751(a)(3)(A) of the Act. In order to obtain further information on any possible entries during the POR, the Department is extending the time limit for the preliminary results by 60 days, until May 1, 2002.

Dated: March 1, 2002

Joseph A. Spetrini,

Deputy Assistant Secretary for Import Administration, Group III.

[FR Doc. 02–9804 Filed 4–19–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–821]

Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, from Germany: Notice of Final Results of Changed Circumstances Review, Revocation of the Antidumping Duty Order, and Rescission of Administrative Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of changed circumstances review, revocation of the antidumping duty order, and rescission of antidumping duty administrative reviews.

SUMMARY: On March 5, 2002, the Department of Commerce published a notice of preliminary results of changed circumstances review, intent to revoke the antidumping duty order, and preliminary rescission of antidumping duty administrative reviews (67 FR 9957). We are now revoking this order, retroactive to September 1, 1999, based on the fact that the producers accounting for substantially all of the domestic like product have expressed a lack of interest in the relief provided by this order, dating back to September 1, 1999. We are also rescinding the ongoing antidumping duty administrative reviews covering the periods September 1, 1999, through August 31, 2000, for respondent Koenig & Bauer AG, and September 1, 2000, through August 31, 2001, for respondents Koenig & Bauer AG and MAN Roland Druckmaschinen AG.

DATES: April 22, 2002.

FOR FURTHER INFORMATION CONTACT: David Goldberger or Irene Darzenta Tzafolias AD/CVD Enforcement Group I, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone: (202) 482–4136 or (202) 482–0922, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations:

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to the regulations at 19 CFR part 351 (2001).

Background

On September 4, 1996, the Department issued the antidumping duty order on large newspaper printing presses (LNPPs) from Germany (61 FR 46623). On September 24, 2001, Koenig & Bauer AG and KBA North America, Inc. Web Press Division (KBA NA, a domestic producer of the subject mercandise; collectively, K&B) requested that the Department revoke the antidumping duty order on LNPPs from Germany through initiation of a changed circumstances review. On November 2, 2001, KBA NA stated that it accounts for substantially all of the production of the domestic like product and no longer has an interest in the continuation of the antidumping duty order. In addition, prior to K&B's request, on September 19, 2001, MAN Roland Druckmaschinen AG and MAN Roland Inc. (collectively, MAN Roland), a foreign producer/exporter of the subject merchandise and its U.S. affiliate, requested that the Department revoke the antidumping duty order on LNPPs from Germany through a changed circumstances review.

Based on the information submitted by KBA NA and KBA NA's assertions that it accounted for substantially all of the production of the domestic like product and had no interest in maintaining the order, the Department initiated a changed circumstances review on November 5, 2001. (*See Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, From Germany: Notice of Initiation of Changed Circumstances Review and Consideration of Revocation of the Antidumping Duty Order*, 66 FR 56798 (November 13, 2001) (*Initiation Notice*).)

Following the publication of the *Initiation Notice*, the petitioner in the LNPP proceedings, Goss Graphic Systems, Inc. (Goss) filed a letter on December 21, 2001, stating that it was no longer interested in participating in any of the current antidumping proceedings concerning LNPPs from Germany, including the changed circumstances review, and therefore was withdrawing from them. Subsequent to the filing of Goss's letter, on December 31, 2001, and January 8, 2002, MAN Roland and K&B, respectively, submitted letters urging the Department to conclude, based on the facts of the record, that Goss is not a domestic producer of the subject merchandise and to revoke the order on the basis of changed circumstances with respect to all unliquidated entries of the subject merchandise, including those that are subject to the current administrative reviews. Specifically, K&B requested that the effective date of revocation of the order be September 1, 1999. On January 31, 2002, MAN Roland specified an effective revocation date of September 1, 2000. Consequently, on March 5, 2002, we published a notice of preliminary results of changed circumstances review with the intent to revoke the order, effective September 1, 1999, and rescind the ongoing administrative reviews (67 FR 9957) (*Prelimary Results*). We invited interested parties to comment on these preliminary results. K&B and MAN Roland submitted letters on March 14, 2002, and March 15, 2002, respectively, supporting the Department's preliminary results.

Scope of Order

The products covered by the order are large newspaper printing presses, including press systems, press additions and press components, whether assembled or unassembled, whether complete or incomplete, that are capable of printing or otherwise manipulating a roll of paper more than two pages across. A page is defined as a newspaper broadsheet page in which the lines of type are printed perpendicular to the running of the direction of the paper or a newspaper tabloid page with lines of type parallel to the running of the direction of the paper.

In addition to press systems, the scope of the order includes the five press system components. They are: (1) A printing unit, which is any component that prints in monocolor, spot color and/or process (full) color; (2)

a reel tension paster (RTP), which is any component that feeds a roll of paper more than two newspaper broadsheet pages in width into a subject printing unit; (3) a folder, which is a module or combination of modules capable of cutting, folding, and/or delivering the paper from a roll or rolls of newspaper broadsheet paper more than two pages in width into a newspaper format; (4) conveyance and access apparatus capable of manipulating a roll of paper more than two newspaper broadsheet pages across through the production process and which provides structural support and access; and (5) a computerized control system, which is any computer equipment and/or software designed specifically to control, monitor, adjust, and coordinate the functions and operations of large newspaper printing presses or press components. A press addition is comprised of a union of one or more of the press components defined above and the equipment necessary to integrate such components into an existing press system.

Because of their size, large newspaper printing press systems, press additions, and press components are typically shipped either partially assembled or unassembled, complete or incomplete, and are assembled and/or completed prior to and/or during the installation process in the United States. Any of the five components, or collection of components, the use of which is to fulfill a contract for large newspaper printing press systems, press additions, or press components, regardless of degree of assembly and/or degree of combination with non-subject elements before or after importation, is included in the scope of this order. Also included in the scope are elements of a LNPP system, addition or component, which, taken altogether, constitute at least 50 percent of the cost of manufacture of any of the five major LNPP components of which they are a part.

For purposes of the order, the following definitions apply irrespective of any different definition that may be found in Customs rulings, U.S. Customs law or the *Harmonized Tariff Schedule of the United States* (HTSUS): the term ''unassembled'' means fully or partially unassembled or disassembled; and (2) the term ''incomplete'' means lacking one or more elements with which the LNPP is intended to be equipped in order to fulfill a contract for a LNPP system, addition or component.

This scope does not cover spare or replacement parts. Spare or replacement parts imported pursuant to a LNPP contract, which are not integral to the original start-up and operation of the LNPP, and are separately identified and valued in a LNPP contract, whether or not shipped in combination with covered merchandise, are excluded from the scope of this order. Used presses are also not subject to this order. Used presses are those that have been previously sold in an arm's-length transaction to a purchaser that used them to produce newspapers in the ordinary course of business.

Further, this order covers all current and future printing technologies capable of printing newspapers, including, but not limited to, lithographic (offset or direct), flexographic, and letterpress systems. The products covered by this order are imported into the United States under subheadings 8443.11.10, 8443.11.50, 8443.30.00, 8443.59.50, 8443.60.00, and 8443.90.50 of the HTSUS. Large newspaper printing presses may also enter under HTSUS subheadings 8443.21.00 and 8443.40.00. Large newspaper printing press computerized control systems may enter under HTSUS subheadings 8471.49.10, 8471.49.21, 8471.49.26, 8471.50.40, 8471.50.80, and 8537.10.90. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Final Results of Changed Circumstances Review and Revocation of the Antidumping Duty Order

Pursuant to section 782(h)(2) of the Act, the Department may revoke an antidumping or countervailing duty order 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. 19 CFR 351.222(g) provides that the Department will conduct a changed circumstances review under 19 CFR 351.216, and may revoke an order (in whole or in part), if it determines that producers accounting for substantially all of the production of the domestic like product to which the order (or the part of the order to be revoked) pertains have expressed a lack of interest in the relief provided by the order, in whole or in part, or if other changed circumstances exist sufficient to warrant revocation. Furthermore, it is the Department's practice to revoke an antidumping duty order so that the effective date of revocation covers entries that have not been subject to a completed administrative review. There has not been a completed administrative review for K&B since September 1, 1999, because the Department deferred for one year the initiation of the administrative review of K&B for the period September 1, 1999, through August 31, 2000[1]. *See Initiation Notice*.

As explained in the *Preliminary Results*, we interpret Goss' withdrawal from all of the ongoing LNPP proceedings to mean that Goss no longer has interest in the maintenance of this order. Both Goss, the original petitioner, and KBA NA, a U.S. producer of LNPPs which claims it accounts for substantially all of the production of the domestic like product, are no longer interested in the maintenance of this order, and no other interested party has filed any objection to the revocation of this order. Accordingly, the Department determines that the producers accounting for substantially all of the domestic like product have expressed a lack of interest in the relief provided by this order, and thus, sufficient changed circumstances exist to warrant revocation of the order. The Department also determines that the effective date of revocation for this order is September 1, 1999, the first day of the review period for the 1999–2000 administrative review for K&B. Therefore, the Department is revoking, effective September 1, 1999, the order on LNPPs from Germany in whole, pursuant to sections 751(b) and (d) and 782(h) of the Act, as well as 19 CFR 351.216 and 351.222(g).

Rescission of Antidumping Administrative Reviews

Because we are revoking the antidumping duty order for the reasons stated above, effective September 1, 1999, we are rescinding the ongoing administrative reviews of LNPPs from Germany, pursuant to section 751(d)(3) of the Act.

Instructions to the Customs Service

In accordance with 19 CFR 351.222, the Department will instruct the Customs Service to terminate the

[1] There has been a completed administrative review of the order for MAN Roland since the specified effective date of revocation (*i.e.*, covering the period September 1, 1999, through August 31, 2000) (*see Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, from Germany: Final Results of Antidumping Duty Administrative Review*, 67 FR 2192 (January 16, 2002)); however, the margin resulting from the completed review for MAN Roland for the period September 1, 1999, through August 31, 2000, was zero, and thus, notwithstanding the Department's decision to revoke the order, the Department would otherwise instruct the Customs Service to liquidate the entries relevant to this review period in the same manner as it would with respect to revocation of the order effective September 1, 1999 (*i.e.*, it would instruct the Customs Service to liquidate the entries at issue without regard to antidumping duties). The effective date would have no impact on MAN Roland.

suspension of liquidation and to liquidate, without regard to antidumping duties, all unliquidated entries of LNPPs from Germany, entered, or withdrawn from warehouse, for consumption on or after September 1, 1999, the date first day of the review period for the 1999–2000 administrative review for K&B. The Department will further instruct the Customs Service to refund with interest any estimated duties collected with respect to unliquidated entries of LNPPs from Germany entered, or withdrawn from warehouse, for consumption on or after September 1, 1999, in accordance with section 778 of the Act. These instructions will not be issued until either the conclusion of the ongoing litigation with respect to the final determination of the Department's less-than-fair-value investigation of LNPPs from Germany, pursuant to which entries have been enjoined from liquidation, or the injunction in that case is lifted or amended to allow liquidation of entries. (*See Koenig & Bauer Albert v. United States*, Fed. Cir. Court No. 00–1387 (CIT 96–10–02298).)

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.306. 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 sanctionable violation.

This notice of final results of changed circumstances review and revocation of the antidumping duty order is in accordance with sections 751(b) and (d), and 777(i)(1) of the Act and 19 CFR 351.216(d) and 351.222(g). The 1999–2000 and 2000–2001 antidumping duty administrative reviews of LNPPs from Germany are rescinded in accordance with section 751(d)(3) of the Act.

Dated: April 16, 2002

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 02–9806 Filed 4–19–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–504]

Porcelain-on-Steel Cookware from Mexico: Final Results of Changed Circumstances Antidumping Duty Administrative Review, Revocation of the Antidumping Duty Order, and Rescission of Administrative Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of changed circumstances antidumping duty administrative review, revocation of the antidumping duty order, and rescission of antidumping duty administrative reviews.

SUMMARY: In response to a request by the petitioner, Columbian Home Products, LLC, a U.S. producer of subject merchandise and an interested party in this proceeding, on February 14, 2002, the Department of Commerce initiated a changed circumstances review and made a preliminary determination to revoke the antidumping duty order on porcelain-on-steel cookware from Mexico. During the course of this proceeding, we have determined that the producer accounting for all or substantially all of the production of the domestic like product to which the order pertains does not have an interest in maintaining the order. Consequently, we are revoking the order on porcelain-on-steel cookware from Mexico. In addition, we are rescinding the ongoing administrative reviews of this order. These reviews cover the periods December 1, 1999, through November 30, 2000, and December 1, 2000, through November 30, 2001.

DATES: April 22, 2002.

FOR FURTHER INFORMATION CONTACT: Rebecca Trainor or Kate Johnson, Office of AD/CVD Enforcement Group I, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone: (202) 482–4007 or (202) 482–4929, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations:

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to the regulations at 19 CFR part 351 (April 2001).

Background

On January 30, 2002, the petitioner, Columbian Home Products, LLC (Columbian), requested that the Department revoke the antidumping duty order on porcelain-on-steel cookware from Mexico as of December 1, 1995, stating that it no longer has an interest in maintaining this order. Columbian is a domestic interested party and is the successor company to the petitioner in the less-than-fair-value investigation. Columbian stated that it is the only U.S. producer of porcelain-on-steel cookware, and therefore, it accounts for ''substantially'' all of the production of the domestic like product,'' within the meaning of section 782(h)(2) of the Act.

Based on the information submitted by Columbian and its assertions that it accounted for substantially all of the production of the domestic like product and had no interest in maintaining the order, the Department determined that there was sufficient evidence of changed circumstances to warrant a review under section 751(b)(1) of the Act, 19 CFR 351.222(g) and 19 CFR 351.216. Because of the pending administrative reviews, we determined that expedited action was warranted, and we combined the notices of initiation and preliminary results in accordance with 19 CFR 351.221(c)(3)(ii). Consequently, on February 25, 2002, we published a notice of initiation of a changed circumstances review and preliminary results of review with intent to revoke the order and rescind the ongoing administrative reviews. *See Porcelain-on-Steel Cookware from Mexico, Initiation and Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review and Notice of Intent to Revoke the Order and to Rescind Administrative Reviews*, 67 FR 8523 (*Initiation Notice*). In the I*nitiation Notice* we allowed interested parties an opportunity to submit comments for consideration in this review.

On March 4, 2002, respondents Cinsa, S.A. de C.V. and Esmaltaciones de Norte America S.A. de C.V. urged the Department to affirm the preliminary results in its Final Results of Changed Circumstances Review.

Scope of Order

The products covered by this order are porcelain-on-steel cookware, including tea kettles, which do not have self-contained electric heating elements.

All of the foregoing are constructed of steel and are enameled or glazed with vitreous glasses. This merchandise is currently classifiable under *Harmonized Tariff Schedule of the United States* (''HTSUS'') subheading 7323.94.00. Kitchenware currently classifiable under HTSUS subheading 7323.94.00.30 is not subject to the order. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

Final Results of Changed Circumstances Review and Revocation of the Antidumping Duty Order

Pursuant to section 782(h)(2) of the Act, the Department may revoke an antidumping or countervailing duty order 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. 19 CFR 351.222(g) provides that the Department will conduct a changed circumstances review under 19 CFR 351.216, and may revoke an order (in whole or in part), if it determines that producers accounting for substantially all of the production of the domestic like product to which the order (or the part of the order to be revoked) pertains have expressed a lack of interest in the relief provided by the order, in whole or in part, or if other changed circumstances exist sufficient to warrant revocation.

The Department finds that the producer accounting for all of the domestic like product to which the order pertains has expressed a lack of interest in the relief provided by this order, dating back to December 1, 1995. On the facts of this case, sufficient changed circumstances exist to warrant revocation of the order. Therefore, effective December 1, 1995, the Department is revoking the order on porcelain-on-steel cookware from Mexico in whole, pursuant to sections 751(b) and (d) and 782(h) of the Act, as well as 19 CFR 351.216 and 19 CFR 351.222(g).

Rescission of Antidumping Administrative Reviews

On November 13, 2001, the Department published in the **Federal Register** (66 FR 56799) the preliminary results of the 14th administrative review for the period December 1, 1999, through November 30, 2000. On January 29, 2002, the Department published in the **Federal Register** (67 FR 4236) a notice of initiation of the 15th administrative review for the period December 1, 2000, through November 30, 2001. Because we are revoking the order for the reason stated above, effective December 1, 1995, we are also rescinding the ongoing administrative reviews of porcelain-on-steel cookware from Mexico pursuant to section 751(d)(3) of the Act.

Instructions to Customs Service

The Department, in accordance with 19 CFR 351.222(g)(4), expects to instruct the Customs Service to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, all unliquidated entries of porcelain-on-steel cookware from Mexico, entered, or withdrawn from warehouse, for consumption on or after December 1, 1995. We will further instruct the Customs Service to refund with interest any estimated duties collected with respect to unliquidated entries of porcelain-on-steel cookware from Mexico entered, or withdrawn from warehouse, for consumption on or after December 1, 1995, in accordance with section 778 of the Act. The instructions covering the period December 1, 1995, through November 30, 1999, will not be issued until the dismissal of the ongoing litigation with respect to the administrative reviews of porcelain-on-steel cookware from Mexico, pursuant to which entries have been enjoined from liquidation. We will instruct the Customs Service to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, all unliquidated entries of porcelain-on-steel cookware from Mexico, entered, or withdrawn from warehouse, for consumption during the periods December 1, 1999, through November 30, 2000, and December 1, 2000, through November 30, 2001, upon publication of this notice.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.306. Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This changed circumstances review, revocation of the antidumping duty order, and notice are in accordance with sections 751(b) and (d) and 782(h) of the Act and 19 CFR 351.216(d) and 351.222(g). The rescission of the 1999–2000 and 2000–2001 antidumping duty administrative reviews of porcelain-on-steel cookware from Mexico is in accordance with section 751(d)(3) of the Act.

Dated: April 16, 2002

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 02–9805 Filed 4–19–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–821–802]

Notice of Extension of Time Limits of the Preliminary Results of Administrative Review of Agreement Suspending the Antidumping Investigation of Uranium from the Russian Federation, as Amended

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Extension of Time Limits of the Preliminary Results of Administrative Review.

SUMMARY: The Department of Commerce (''the Department'') is extending the time limits by 120 days for the preliminary results of the administrative review of the Agreement Suspending the Antidumping Investigation of Uranium from the Russian Federation, as Amended.

EFFECTIVE DATE: April 22, 2002.

FOR FURTHER INFORMATION CONTACT: Lori Ellison or James Doyle; Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington DC 20230; telephone: (202) 482–5811 or (202) 482–0159, respectively.

SUPPLEMENTARY INFORMATION:

Extension of Preliminary Results:

The Department published its notice of initiation of this review in the Federal Register on November 21, 2001 (66 FR 58432). The Department's preliminary results are currently due on July 3, 2002.

Section 751(a)(3)(A) of the Tariff Act of 1930 (''the Act''), as amended by the Uruguay Round Agreements Act, states that if it is not practicable to complete the review within the time specified, the administering authority may extend the 245–day period to issue its preliminary results by an additional 120 days. Because of the complex and novel issues presented by this review, it is impracticable for the Department to complete its analysis within the 245 day

time frame provided under section 751(a)(3)(A) of the Act. Completion of the preliminary results within this period is impracticable for the following reasons: (1) This is the first administrative review of this suspension agreement, raising a number of issues of first impression; (2) the agreement has been in force since October 1992, making a particularly enormous quantity of information subject to review; (3) the agreement has been amended four times, thereby complicating the analysis; and (4) analysis of the Russian uranium industry will be complicated due to the complexity of uranium transactions in Russia and the high degree of integration between Russia's nuclear power and uranium production entities, and government.

The Department is therefore extending the preliminary results due date by 120 additional days in accordance with section 751(a)(3)(A) of the Act. The new due date for the preliminary results is October 31, 2002.

Dated: April 12, 2002

Joseph A. Spetrini,

Deputy Assistant Secretary for Import Administration, Group III.

[FR Doc. 02–9803 Filed 4–19–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 041502A]

Marine Fisheries Advisory Committee; Public Meetings

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

ACTION: Notice of publicmeetings.

SUMMARY: The Marine Fisheries Advisory Committee (MAFAC) will meet May 7 through 9, 2002.

DATES: The meetings are scheduled as follows:

1. May 7,2002, 9 a.m.–5 p.m.
2. May 8, 2002, 9 a.m.–5 p.m.
3. May 9, 2002, 8 a.m.–4 p.m.

ADDRESSES: The meetings willbe held at Holiday Inn By The Bay, 88 Spring Street, Portland, ME. Requests for special accommodations may be directed to MAFAC, Office of Constituent Services, NMFS, 1315East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Laurel Bryant, Designated FederalOfficial; telephone: (301) 713–9501 ext. 171.

SUPPLEMENTARY INFORMATION: As required by section 10(a) (2)of the Federal Advisory Committee Act, 5 U.S.C. App. (1982), notice is hereby given ofmeetings of MAFAC and MAFAC Subcommittees. MAFAC was established by the Secretary ofCommerce (Secretary) on February 17, 1972, to advise the Secretary on all living marineresource matters that are the responsibility of the Department of Commerce. This Committeeensures that the living marine resource policies and programs of the Nation consider the needs ofrecreational and commercial fisheries, and of environmental, state, consumer, academic, tribal,and other national interests.

Matters to Be Considered

May 7, 2002

General Overview of meeting goals and scheduled events, FY03 BudgetStatus, Ecosystem Management project update, status of various agency initiatives, and reviewof Committee's advisory role and process.

May 8, 2002

Report anddiscussion on the status of Bycatch, Regulatory Streamlining and National Environmental PolicyAct project, Individual Fishing Quota status in Magnuson-Stevens reauthorization, and reviewof New England groundfish issues.

May 9, 2002

Subcommitteemeetings with wrap-up reports and adjournment.

Time will be set aside for publiccomment on agenda items.

Special Accommodations

These meetingsare physically accessible to people with disabilities. Requests for sign language interpretation orother auxiliary aids should be directed to MAFAC (see **ADDRESSES**).

Dated: April 16, 2002.

William T. Hogarth,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 02–9810 Filed 4–19–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 041702C]

New England Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Groundfish Oversight Committee in May, 2002. Recommendations from the committee will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meeting will held on Tuesday, May 7, 2002, at 9:30 a.m. and Wednesday, May 8, 2002, at 8:30 a.m.

ADDRESSES: The meeting will be held at the DoubleTree Hotel, 1230 Congress Street, Portland, ME 04102; telephone: (207) 774–5611.

Council address: New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; (978) 465–0492.

SUPPLEMENTARY INFORMATION: This meeting will focus on commercial fishing for groundfish in the inshore and offshore Gulf of Maine areas. Measures for the inshore Gulf of Maine area will be discussed on Tuesday, May 7 and measures for the offshore Gulf of Maine area will be discussed on Wednesday, May 8. Proposed area boundaries can be obtained from the Council. Interested parties will be consulted to identify management measures that will achieve specific biological, economic, and social objectives identified by the Council. Such measures may include, but are not limited to, trip or possession limits, changes to the days-at-sea program, year-round or seasonal closed areas, or gear changes. Suggestions for management measures should consider all Magnuson-Stevens Act requirements.

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

Act, provided the public has been notified of the Council'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 Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: April 17, 2002.

Richard W. Surdi,

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

[FR Doc. 02–9812 Filed 4–19–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 041702E]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of publicmeetings.

SUMMARY: The Pacific Fishery Management Council's (Council) Sablefish Stock Assessment Review (STAR) Panel will hold a telephone conference, which is open to the public.

DATES: The telephone conference will be held Monday, May 6, 2002, from 1p.m. to 3 p.m.

ADDRESSES: *Council address*: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220–1384. See **SUPPLEMENTARY INFORMATION** for specific locations of the listening stations.

FOR FURTHER INFORMATION CONTACT: Mr. John DeVore, telephone: (503) 326-6352, ext.210.

SUPPLEMENTARY INFORMATION:

Listening Station Locations

1. National Marine Fisheries Service, Northwest Fisheries Science Center, 2725 Montlake Boulevard,Room 366W, Seattle, WA 98112; Contact: Dr. Richard Methot (206) 860–3365;

2.Pacific Fishery Management Council, West Conference Room, 7700 NE Ambassador Place,Suite 200, Portland, OR 97220–1384; Contact: Mr. John DeVore (503) 326–6352, ext. 210;

3. National Marine Fisheries Service, Northwest Fisheries Science Center, HatfieldMarine Science Center, Room NAL 104, 2030 SE Marine Science Drive, Newport, OR 97365;Contact: Ms. Mary Craig (541) 867–0143

4. Coos Bay Trawlers Association, 63422Kingfisher Road, Coos Bay, OR 97420; Contact: Mr. Steve Bodnar (541) 888–8012; and

5. National Marine Fisheries Service, Southwest Fisheries Science Center, Santa CruzLaboratory, Room 219, 110 Shaffer Road, Santa Cruz, CA 95060; Contact: Ms. Cheryl Kaine(831) 420–3933.

The purpose of the telephone conference is to review the updated2001 sablefish stock assessment for use in developing management recommendations for 2003 fisheries.

Although nonemergency issues not contained in the teleconference callagenda may come before the STAR Panel for discussion, those issues may not be the subject offormal STAR Panel action during this meeting. STAR Panel action will be restricted to thoseissues specifically listed in this notice and any issues arising after publication of this notice thatrequire emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservationand Management Act, provided the public has been notified of the STAR Panel's intent to takefinal action to address the emergency.

Special Accommodations

This teleconference call 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 teleconference date.

Dated: April17, 2002.

Richard W. Surdi,

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

[FR Doc. 02–9811 Filed 4–19–02; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Wool Textile Products Produced or Manufactured in Bulgaria

April 16, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: April 22, 2002.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted for carryover and carryforward used.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 66 FR 65178, published on December 18, 2001). Also see 66 FR 57043, published on November 14, 2001.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

April 16, 2002.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 8, 2001, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain wool and man-made fiber textile products, produced or manufactured in Bulgaria and exported during the twelve-month period which began on January 1, 2002 and extends through December 31, 2002.

Effective on April 22, 2002, you are directed to adjust the current limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
433	16,096 dozen.
442	17,130 dozen.
444	87,886 numbers.
448	28,119 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2001.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs

exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 02–9689 Filed 4–19–02; 8:45 am]

BILLING CODE 3510–DR–S

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (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 costs and burden; it includes the actual data collection instruments [if any].

DATES: Comments must be submitted on or before May 22, 2002.

FOR FURTHER INFORMATION OR A COPY CONTACT: Judith E. Payne, Division of Economic Analysis, U.S. Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581, (202) 418–5268; FAX: (202) 418–5527; email: jpayne@cftc.gov and refer to OMB Control No. 3038–0009.

SUPPLEMENTARY INFORMATION:

Title: Large Trader Reports (OMB Control No. 3038–0009). This is a request for extension of a currently approved information collection.

Abstract: Large Trader Reports, OMB number 3038–0009—Extension.

Parts 15 through 21 of the Commission's regulations under the Commodity Exchange Act (Act) require large trader reports from clearing members, futures commission merchants, and foreign brokers and traders. These rules are designed to provide the Commission with information to effectively conduct its market surveillance program, which includes the detection and prevention of price manipulation and enforcement of speculative position limits. These rules are promulgated pursuant to the Commission's rulemaking authority contained in sections 4a(a), 4i, and 8a(5) of the Commodity Exchange Act, 7 U.S.C. 6a(1), 6i, and 12a(5).

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 the CFTC's regulations were published on December 30, 1981. See 46 FR 63035 (Dec. 30, 1981). The Federal Register notice with a 60-day comment period soliciting comments on this collection of information was published on March 11, 2002 (67 FR 10895).

Burden Statement: The respondent burden on this collection is estimated to average .30 hours per response.

Respondents/Affected Entities: 3,305.

Estimated number of responses: 62,760.

Estimated total annual burden on respondents: 18,575 hours.

Frequency of collection: On occasion.

Send comments regarding the burden estimated or any other aspect of the information collection, including suggestions for reducing the burden, to the addresses listed below. Please refer to OMB Control No. 3038–0009 in any correspondence.

Judi Payne, Division of Economic Analysis, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for CFTC, 725 17th Street, Washington, DC 20503.

Dated: April 16, 2002.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 02–9716 Filed 4–19–02; 8:45 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Request of the National Futures Association for Approval of Interpretive Notice to NFA Compliance Rule 2–4: Best Execution Obligation of NFA Members Notice-Registered as Broker-Dealers Under Section 15(b)(11) of the Securities Exchange Act of 1934 Concerning Security Futures Transactions

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice and request for comment.

SUMMARY: The National Futures Association (''NFA'') has submitted to the Commodity Futures Trading Commission (the ''Commission'' or ''CFTC''), pursuant to Section 17(j) of the Commodity Exchange Act (the ''Act''),[1] a proposed Interpretive Notice (the ''Interpretive Notice'') to its Compliance Rule 2–4 regarding the best execution obligation of NFA members who are notice-registered with the Securities and Exchange Commission (''SEC'') as broker-dealers under Section 15(b)(11) of the Securities Exchange Act of 1934 (the '''34 Act'')[2] with respect to security futures transactions. The Interpretive Notice would state the obligation and provide guidance as to the factors to be considered when processing customer orders and when establishing order routing practices, but it would permit flexibility in the manner in which a member fulfills its best execution obligation. The Commission has determined to provide an opportunity for public comment prior to its consideration of the Interpretative Notice.

DATES: Comments must be received by May 22, 2002.

ADDRESSES: Comments on the proposed rules may be sent to Jean A. Webb, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. In addition, comments may be sent by facsimile transmission to facsimile number (202) 418–5521, or by electronic mail to *secretary@cftc.gov*. Reference should be made to ''NFA Interpretive Notice Regarding Best Execution Obligation of Notice-Registered Broker-Dealers.''

FOR FURTHER INFORMATION CONTACT: Lawrence B. Patent, Associate Chief Counsel, or Christopher W. Cummings, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581, telephone number: (202) 418–5450, facsimile number: (202) 418–5536, electronic mail: *lpatent@cftc.gov*, or *ccummings@cftc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

By letter dated March 19, 2002, NFA submitted to the Commission for its approval, pursuant to Section 17(j) of the Act, NFA's proposed Interpretive Notice to its Compliance Rule 2–4 regarding the best execution obligation of NFA members who are notice-registered with the SEC as broker-dealers under Section 15(b)(11) of the '34 Act with respect to security futures transactions.[3] NFA's submission asks that the Interpretive Notice be declared

[1] 7 U.S.C. 1 *et seq.* (2000).

[2] 15 U.S.C. 78a *et seq.* (2000).

[3] NFA members that are dually registered as full futures commission merchants and full securities broker-dealers would be subject to NASD's Rule 2320 concerning best execution.

effective upon approval by the Commission. The Interpretive Notice was prompted by an August 21, 2001 order issued by the SEC requiring NFA to adopt a best execution rule comparable to NASD Rule 2320 before retail exchange trading of security futures can begin. NFA established a working group composed of certain of its own staff and representatives of futures exchanges, futures commission merchants, end users, a securities options exchange and an alternative trading system to address this issue. The working group determined that the best approach would be an interpretation of NFA Compliance Rule 2–4. NFA Compliance Rule 2–4 states: ''Members and Associates shall observe high standards of commercial honor and just and equitable principles of trade in the conduct of their commodity futures business.''

II. Description of the Interpretive Release

NFA staff drafted the proposed Interpretive Notice to state the obligation to seek best execution while allowing flexibility in meeting the obligation. If a customer's order can be executed on only one exchange, members do not have to decide where to route the order, and fulfilling the best execution obligation would be simplified. Where a customer's order may be executed on any of two or more markets for trading security futures contracts that are not materially different, members must use reasonable diligence to ascertain where the customer's order will receive the most favorable terms and, in particular, the best price available under prevailing market conditions.

Where a customer has requested that an order be directed to a particular market, the member must honor that request. In the absence of customer instructions, the interpretive notice recites some of the relevant facts and circumstances that must be considered, including: market attributes (price, volatility, liquidity, depth, speed of execution, and pressure on available communications, among others); the size and type of transaction and order; and the location, reliability and availability to the customer's intermediary of primary markets and quotation sources.

Fees and costs related to each market must be considered. Absent the customer's instruction to do so, an order must not be channeled through a third party unless the member can show that the total cost or proceeds of the transaction will be improved by doing so. Members may not allow inducements such as payment for order flow to interfere with fulfilling the best execution obligation.

Where it is impracticable to make order routing decisions for customers on an order-by-order basis, a member should, at a minimum, consider the factors listed in the interpretation and the materiality of any differences among contracts traded on different markets when establishing retail order-routing practices, which practices should be regularly and rigorously reviewed.

The Commission seeks comments on the proposed Interpretive Notice to NFA Compliance Rule 2–4 regarding the best execution obligation of NFA members who are notice-registered as broker-dealers for purposes of trading security futures. Copies of the proposed Interpretive Notice will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Copies also may be obtained through the Office of the Secretariat at the above address by telephoning (202) 418–5100.

Issued in Washington, DC on April 16, 2002, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 02–9717 Filed 4–19–02; 8:45 am]

BILLING CODE 6951–01–M

COMMODITY FUTURES TRADING COMMISSION

Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Commodity Futures Trading Commission

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of draft report.

SUMMARY: The Commodity Futures Trading Commission (CFTC or agency) in accordance with Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106–554; H.R. 5658) as implemented by the final guidelines published by the Office of Management and Budget, Executive Office of the President, on September 28, 2001 (66 FR 49718) and on January 3, 2002 (67 FR 369) (and reprinted in their entirety on February 22, 2002, 67 FR 8452), ''Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies,'' has posted its draft report on the CFTC website, *http://www.cftc.gov/.* This report provides the agency's information quality guidelines and explains how such guidelines will ensure and maximize the quality, objectivity, utility, and integrity of information, including statistical information, disseminated by the CFTC. The draft report also details the administrative mechanisms that will allow affected persons to seek and obtain appropriate correction of information maintained and disseminated by the CFTC that does not comply with the OMB or agency guidelines.

DATES: Comments on the draft report should be received by June 1, 2002.

FOR FURTHER INFORMATION CONTACT: Barbara W. Black, Office of the Executive Director, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581, e-mail: *bblack@cftc.gov,* telephone: (202) 418–5130.

Dated: April 16, 2002.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 02–9715 Filed 4–19–02; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0069]

Federal Acquisition Regulation; Information Collection; Indirect Cost Rates

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (9000–0069).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning indirect cost rates. The clearance currently expires on June 30, 2002.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper

performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments or before May 22, 2002.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW, Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Linda Klein, Acquisition Policy Division, GSA (202) 501–3775.

SUPPLEMENTARY INFORMATION:

A. Purpose

The contractor's proposal of final indirect cost rates is necessary for the establishment of rates used to reimburse the contractor for the costs of performing under the contract. The supporting cost data are the cost accounting information normally prepared by organizations under sound management and accounting practices.

The proposal and supporting data is used by the contracting official and auditor to verify and analyze the indirect costs and to determine the final indirect cost rates or to prepare the Government negotiating position if negotiation of the rates is required under the contract terms.

B. Annual Reporting Burden

Respondents: 2,469.
Responses Per Respondent: 1.
Annual Responses: 2,469.
Hours Per Response: 1.
Total Burden Hours: 2,469.

Obtaining Copies of Proposals

Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (MVP), Room 4035, 1800 F Street, NW, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0069, Indirect Cost Rates, in all correspondence.

Dated: April 16, 2002.

Al Matera,

Director, Acquisition Policy Division.

[FR Doc. 02–9720 Filed 4–19–02; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0108]

Federal Acquisition Regulation; Submission for OMB Review; Bankruptcy

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning bankruptcy. A request for public comments was published at 67 FR 6236, February 11, 2002. No comments were received.

DATES: Submit comments on or before May 22, 2002.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW., Room 4035, Washington, DC 20405. Please cite OMB Control No. 9000–0108, Bankruptcy, in all correspondence.

FOR FURTHER INFORMATION CONTACT: Linda Klein, Acquisition Policy Division, GSA (202) 501–3775.

SUPPLEMENTARY INFORMATION:

A. Purpose

Under statute, contractors may enter into bankruptcy which may have a significant impact on the contractor's ability to perform its Government contract. The Government often does not receive adequate and timely notice of this event. The clause at 52.242–13 requires contractors to notify the contracting officer within five days after the contractor enters into bankruptcy.

B. Annual Reporting Burden

Respondents: 1,000.
Responses Per Respondent: 1.
Annual Responses: 1,000.
Hours Per Response: 1.
Total Burden Hours: 1,000.

C. Annual Recordkeeping Burden

Recordkeepers: 1,000.
Hours Per Recordkeeper: .25.
Total Recordkeeping Burden Hours: 250.

Obtaining Copies of Proposals

Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (MVP), Room 4035, 1800 F Street, NW, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0108, Bankruptcy, in all correspondence.

Dated: April 16, 2002.

Al Matera,

Director, Acquisition Policy Division.

[FR Doc. 02–9721 Filed 4–19–02; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 22, 2002.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Karen Lee, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address *Karen_F._Lee@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public

consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: April 15, 2002.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of the Chief Financial Officer

Type of Review: Extension.

Title: Generic Application Package for Discretionary Grant Programs.

Frequency: Annually.

Affected Public: Individuals or household; Businesses or other for-profit; Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 300.

Burden Hours: 7,525.

Abstract: This is a generic application package using ED standard forms and instructions and will be used for Office of Educational Research and Improvement (OERI) discretionary grant program competitions. The purpose is to provide a common and easily recognizable format for applicants to research and demonstrate programs.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1890–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address *OCIO_IMG_Issues@ed.gov* or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Kathy Axt at her internet address *Kathy.Axt@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 02–9599 Filed 4–19–02; 8:45 am]

BILLING CODE 4000–01–P]

DEPARTMENT OF EDUCATION.

Submission for OMB Review; Comment Request

AGENCY: Department of Education

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 22, 2002.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the Internet address *Lauren_Wittenberg@omb.eop.gov*.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: April 16, 2002.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Federal Student Aid

Type of Review: Extension.

Title: Lender's Application Process (LAP).

Frequency: Quarterly, Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Businesses or other for-profit.

Reporting and Recordkeeping Hour Burden:

Responses: 121.

Burden Hours: 20.

Abstract: The Lender's Application Process is submitted by lenders who are eligible for reimbursement of interest and special allowance, as well Federal Insured Student Loan (FISL) claims payment, under the Federal Family Education Loan Program. The information will be used by ED to update Lender Indentification Numbers (LID's) lenders names, addresses with 9-digit zip codes and other pertinent information.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address *OCIO_IMG_Issues@ed.gov* or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Lauren Wittenberg, Desk Officer, Office of Management and Budget, at her Internet address *Lauren_Wittenberg@omb.eop.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 02–9719 Filed 4–19–02; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2731–028]

Central Vermont Public Service Corporation; Notice Dismissing Request for Rehearing as Moot

April 15, 2002.

On February 13, 2002, Commission staff issued an order modifying and approving the project operations plan filed by the licensee under Article 404 of the license for the Weybridge Project, located on Otter Creek in the towns of Weybridge and New Haven, in Addison County, Vermont.[1] Ordering paragraphs (B) and (C) of the February 13, 2002 order required the licensee to file certain additional information. The licensee filed a timely request for rehearing, objecting to the filing requirements of those ordering paragraphs on the ground that it had previously submitted the information.

On April 12, 2002, Commission staff issued an order modifying and approving a diversion structure construction plan under Article 402 and amending the February 13, 2002 order to delete Ordering paragraphs (B) and (C).[2] The licensee's rehearing request is thus moot and is dismissed.

This notice constitutes final agency action. Requests for rehearing by the Commission of this dismissal notice may be filed within 30 days of the date of issuance of this notice, pursuant to 18 CFR 385.713.

Magalie R. Salas,

Secretary.

[FR Doc. 02–9772 Filed 4–19–02; 8:45 am]

BILLING CODE 6717–01–P

[1] 98 FERC ¶ 62,105.

[2] 99 FERC ¶ 62,042. The order noted that the required information had been previously filed by the licensee.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–176–053]

Natural Gas Pipeline Company of America; Notice of Negotiated Rates

April 16, 2002.

Take notice that on April 10, 2002, Natural Gas Pipeline Company of America (Natural) tendered for filing to become part of its FERC Gas Tariff, Sixth Revised Volume No. 1, certain tariff sheets to be effective April 15, 2002.

Natural states that the purpose of this filing is to implement a new negotiated rate transaction entered into by Natural and Northern Illinois Gas Company, d/b/a Nicor Gas under Natural's Rate Schedule FTS pursuant to Section 49 of the General Terms and Conditions of Natural's Tariff. Natural states that the negotiated rate agreement does not deviate in any material respect from the applicable form of service agreement in Natural's Tariff.

Natural states that copies of the filing are being mailed to all parties set out on the official service list at Docket No. RP99–176.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. 02–9769 Filed 4–19–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–176–054]

Natural Gas Pipeline Company of America; Notice of Negotiated Rates

April 16, 2002.

Take notice that on April 10, 2002, Natural Gas Pipeline Company of America (Natural) tendered for filing to become part of its FERC Gas Tariff, Sixth Revised Volume No. 1, certain tariff sheets to be effective April 10, 2002.

Natural states that the purpose of this filing is to implement a new negotiated rate transaction entered into by Natural and Wisconsin Electric Gas and Commodity Resources under Natural's Rate Schedule IBS pursuant to Section 49 of the General Terms and Conditions of Natural's Tariff.

Natural states that copies of the filing are being mailed to all parties set out on the official service list in Docket No. RP99–176.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. *See*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. 02–9770 Filed 4–19–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–176–055]

Natural Gas Pipeline Company of America; Notice of Negotiated Rates

April 16, 2002.

Take notice that on April 10, 2002, Natural Gas Pipeline Company of America (Natural) tendered for filing to become part of its FERC Gas Tariff, Sixth Revised Volume No. 1, First Revised Sheet No. 26T, to be effective April 9, 2002.

Natural states that the purpose of this filing is to implement an amendment to an existing negotiated rate transaction between Natural and Nicor Enerchange, LLC under Natural's Rate Schedule ITS pursuant to Section 49 of the General Terms and Conditions of Natural's Tariff.

Natural states that copies of the filing are being mailed to all parties set out on the Commission's official service list at Docket No. RP99–176.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. *See*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. 02–9771 Filed 4–19–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP02–130–000, CP02–131–000 and CP02–132–000]

Transcontinental Gas Pipe Line Corporation; Notice of Applications

Issued April 16, 2002.

Take notice that on March 29, 2002, Transcontinental Gas Pipe Line Corporation (Applicant), One Williams Center, Suite 4100, Tulsa, Oklahoma, 74172, through its agent, Williams Energy Marketing & Trading Company [1] (Williams), tendered for filing applications for certificates of public convenience and necessity pursuant to Section 7(b) of the Natural Gas Act (NGA) to abandon certain firm sales agreements under Applicant's Rate Schedule FS between Applicant and various customers pursuant to a Settlement Agreement approved by the Commission in Docket No. CP88–391, *et al.* on June 19, 1991, as amended by order issued December 17, 1991 [2], all as more fully set forth in the applications, which are on file and open to public inspection. The applications may be viewed on the web at *www.ferc.fed.us/online/rims.htm* (call (202) 208–2222 for assistance).

Applicant asserts that no abandonment of any facility is proposed. Applicant proposes to abandon three service agreements under its Rate Schedule FS. The information in the table below summarizes each individual abandonment application:

Docket No.	Customer name	Date of agreement to proposed abandonment of current service	Proposed effective date of abandonment
CP00–130–000	City of Bessimer; City, North Carolina	January 19, 2001	March 31, 2003.
CP00–131–000	South Carolina Pipeline Corporation	March 27, 2001	March 31, 2003.
CP00–132–000	Public Service Company of North Carolina, Gastonia, North Carolina.	March 28, 2001	March 31, 2003.

Any question regarding this application may be directed to Mr. David A. Glenn, Senior Counsel, Transcontinental Gas Pipe Line Corporation, 2800 Post Oak Blvd., Houston Texas, 77056 at (713) 215–2341.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, on or before May 7, 2002, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make Protestants parties to the 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 in the Public Reference Room. 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.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no protest or motion to intervene is filed within the time required herein. At that time, the Commission, on its own review of the matter, will determine whether granting the abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–9766 Filed 4–19–02; 8:45 am]

BILLING CODE 6717–01–P

[1] Formerly Williams Energy Services Company

[2] *See* orders at 55 FERC ¶ 61,466 (1991) and 57 FERC ¶ 61,345 (1991).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–320–003

Trans-Elect, Inc., Michigan Transco Holdings, L.P., Consumers Energy Company and Michigan Electric Transmission Company; Notice of Filing

April 15, 2002.

Take notice that on April 9, 2002 Consumers Energy Company (CECo) filed changes to its easement agreement with Michigan Electric Transmission Company which agreement is associated with the transfer of CECo's electrical transmission facilities to a subsidiary of Trans-Elect, Inc.

CECo states that the purpose of this filing is to comply with Ordering Paragraph (D) of the Federal Energy Regulatory Commission's (Commission) Order On Rehearing and Compliance Filing, 98 FERC ¶ 61,368 (March 29, 2002).

CECo states that a copy of this filing is available for public inspection during regular business hours at CECo's Washington legal office at 1016 16th Street, NW., Suite 100, Washington, DC 20036. In addition copies of this filing are being served on all parties and the Michigan Public Service Commission.

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission 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. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's web site at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket #'' and follow the instructions (call 202–208–2222 for assistance). Protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Comment Date: April 22, 2002.

Magalie R. Salas,

Secretary.

[FR Doc. 02–9704 Filed 4–19–02; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2219–013 Utah]

Notice of Combined Initial Information Meeting and Scoping Meeting, Project Site Visit, and Solicitation of Scoping Comments for an Applicant-Prepared Environmental Assessment Using the Alternative Licensing Procedure; Garkane Power Association, Inc.; Utah

April 15, 2002.

The Commission's regulations allow applicants to prepare their own Environmental Assessment (EA) for hydropower projects and file it with the Federal Energy Regulatory Commission (Commission) along with their license application as part of an alternative licensing procedure (ALP).[1] On December 6, 2001, the Commission approved the use of an ALP in the preparation of the license application for Garkane Power Association, Inc.'s (Garkane) Boulder Creek Project, No. 2219. The 4.3-megawatt Boulder Creek Project is located on Boulder Creek, about 6 miles north of the town of Boulder, in Garfield County, Utah. About 36.86 acres of the project occupy federal lands, managed by the U.S. Forest Service as part of the Dixie National Forest.

The ALP includes provisions for the distribution of an initial information package (IIP), and for the cooperative scoping of environmental issues and information needs. Garkane distributed a combined IIP and Scoping Document 1 (SD1) for the Boulder Creek Project on March 28, 2002, to the mailing list for this proceeding.

Public Meeting and Project Site Visit

Garkane will hold a combined informational and scoping meeting and project site visit on April 29, 2002. The purpose of the meeting is to review the information presented in the IIP/SD1 and to initiate the identification of areas of interest that should be addressed in the licensing and related Applicant-Prepared Environmental Assessment (APEA) processes. The meeting will be held at 1 p.m. at the Boulder Town Center, 351 No. 100 E., Boulder, Utah.

The site visit will be held in the afternoon after the meeting on April 29, 2002. The site visit is intended to provide the opportunity for interested individuals to learn more about the project, its operations, and the surrounding environment

The deadline for filing written scoping comments is June 28, 2002. Comments may be submitted by writing or e-mail to the following address: Jones and DeMille Engineering, 1440 South Pipe Lane, Richfield, UT 84701, john@jonesanddemille.com.

Based on feedback received on the IIP/SD1 and the project site visit, Garkane will prepare a Scoping Document 2 (SD2). SD2 will include a revised list of issues, based on the meeting and written comments. Garkane expects to issue SD2 on July 31, 2002.

All interested individuals, organizations, and agencies are invited and encouraged to attend the meeting on the IIP/SD1 and project site visit and to assist in the further identification of environmental issues that should be included in SD2.

We are asking federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the Commission's EA. Agencies who would like to request cooperating agency status should file such a request (original and eight copies) with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please put the docket number, P–2219–013, on the first page of your filing.

For further information regarding the informational and scoping meeting and project site visit or to be added to the mailing list for the Boulder Creek ALP, please contact Mr. John Spendlove of Jones and DeMille Engineering at (435) 896–8266 or Ms. Dianne Rodman of the Commission's staff at (202) 219–2830.

The IIP/SD1 may 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).

Magalie R. Salas,

Secretary.

[FR Doc. 02–9705 Filed 4–19–02; 8:45 am]

BILLING CODE 6717–01–P

[1] 81 FERC ¶ 61,103 (1997)

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP01–384–000 and CP01–387–000]

Islander East Pipeline Company, L.L.C., Algonquin Gas Transmission Company; Notice of Public Comment Meetings on the Draft Environmental Impact Statement for the Proposed Islander East Pipeline Project

April 15, 2002.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a draft environmental impact statement (DEIS) that discusses the environmental impacts of the Islander East Pipeline Project. This project involves construction and operation of facilities by Islander East Pipeline Company, L.L.C. (Islander East) and by Algonquin Gas Transmission Company (Algonquin) in New Haven County, Connecticut and Suffolk County, New York. Algonquin proposes the uprate of about 27 miles of 10- and 16-inch-diameter pipeline and 12,028 horsepower (hp) of additional compression at a new compressor station; Islander East proposes construction of about 50 miles of new 24-inch-diameter pipeline, 22.6 miles of which would be across the Long Island Sound; and other associated auxiliary facilities (i.e., three meter stations and five mainline valves) in various locations in Connecticut and Long Island, New York.

This notice is being sent to all persons to whom we [1] mailed the DEIS.

In addition to or in lieu of sending written comments on the DEIS, we invite you to attend a public comment meeting that the FERC will conduct in the project area. The locations and times for the meetings are listed below:

Date and time	Location
May 7, 2002, 7 p.m	Longwood High School auditorium, 100 Longwood Road, Middle Island, NY 11953.
May 8, 2002, 7 p.m	Branford High School auditorium, 185 East Main Street, Branford, CT 06405.

The public meetings are designed to provide you with an opportunity to offer your comments on the DEIS in person. A transcript of the meetings will be made so that your comments will be accurately recorded.

Magalie R. Salas,

Secretary.

[FR Doc. 02–9702 Filed 4–19–02; 8:45 am]

BILLING CODE 6717–01–P

[1] ''We'' refers to the environmental staff of the Office of Energy Projects.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 632–008]

Notice of Combined Initial Information Meeting and Scoping Meeting, Project Site Visit, and Solicitation of Scoping Comments for an Applicant-Prepared Environmental Assessment Using the Alternative Licensing Procedure; City of Monroe, UT

April 15, 2002.

The Commission's regulations allow applicants to prepare their own Environmental Assessment (EA) for hydropower projects and file it with the Federal Energy Regulatory Commission (Commission) along with their license application as part of an alternative licensing procedure (ALP).[1] On December 6, 2001, the Commission approved the use of an ALP in the preparation of the license application for the City of Monroe, Utah's (City) Lower Monroe Project, No. 632. The 250-kilowatt Lower Monroe Project is located on Monroe Creek, about 2 miles east of the city of Monroe, in Sevier County, Utah. The diversion dam, screening structure, and penstock occupy federal lands, managed by the U.S. Forest Service as part of the Fishlake National Forest.

The ALP includes provisions for the distribution of an initial information package (IIP), and for the cooperative scoping of environmental issues and information needs. The City distributed a combined IIP and Scoping Document 1 (SD1) for the Lower Monroe Project on March 27, 2002, to the mailing list for this proceeding.

Public Meeting and Project Site Visit

The City will hold a combined informational and scoping meeting and project site visit on April 30, 2002. The purpose of the meeting is to review the information presented in the IIP/SD1 and to initiate the identification of areas of interest that should be addressed in the licensing and related Applicant-Prepared Environmental Assessment (APEA) processes. The meeting will be held at 1 p.m. at the City's office building at 10 North Main, Monroe, Utah.

The site visit will be held in the afternoon after the meeting on April 30, 2002. The site visit is intended to provide the opportunity for interested individuals to learn more about the project, its operations, and the surrounding environment.

The deadline for filing written scoping comments is June 29, 2002. Comments may be submitted by writing or e-mail to the following address: Jones and DeMille Engineering, 1440 South Pipe Lane, Richfield, UT 84701, *john@jonesanddemille.com*.

Based on feedback received on the IIP/SD1 and the project site visit, the City will prepare a Scoping Document 2 (SD2). SD2 will include a revised list of issues, based on the meeting and written comments. The City expects to issue SD2 on July 31, 2002.

All interested individuals, organizations, and agencies are invited and encouraged to attend the meeting on the IIP/SD1 and project site visit and to assist in the identification of environmental issues that should be included in SD2.

We are asking federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the Commission's EA. Agencies who would like to request cooperating agency status should file such a request (original and eight copies) with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE. , Washington, DC 20426. Please put the docket number, P–632–008, on the first page of your filing.

For further information regarding the informational and scoping meeting and project site visit or to be added to the mailing list for the Lower Monroe ALP, please contact Mr. John Spendlove of Jones and DeMille Engineering at (435) 896–8266 or Ms. Dianne Rodman of the Commission's staff at (202) 219–2830.

The IIP/SD1 may 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).

Magalie R. Salas,

Secretary.

[FR Doc. 02–9707 Filed 4–19–02; 8:45 am]

BILLING CODE 6717–01–P

[1] 81 FERC ¶ 61,103 (1997)

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2652–007, Montana]

Notice of Availability of Draft Environmental Assessment, PacifiCorp

Issued: April 15, 2002.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47,897), the Office of Energy Projects staff has reviewed the application for a subsequent license for the Bigfork Hydroelectric Project located on the Swan River, in Flathead County, Montana, and has prepared a draft environmental assessment (EA) for the project. The project does not occupy any federal or tribal lands. In the draft EA, the Commission's staff has analyzed the potential environmental effects of the existing project and has concluded that approval of the project, with appropriate environmental protection measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the draft EA can be viewed at the Commission's Reference and Information Center, Room 2A, 888 First Street, NE., Washington, DC 20426, or by calling 202–208–1371. The document also can be viewed on the web at *http://rimsweb1.ferc.gov/rims* (call 202–208–2222 for assistance).

Any comments should be filed by May 27, 2002, and should be addressed to Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please add Project No. 2652–007 to all comments. Comments may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.gov/documents/makeanelectronicfiling/doorbell.htm.

For further information, contact Steve Hocking at 202–219–2656.

Magalie R. Salas,

Secretary.

[FR Doc. 02–9706 Filed 4–19–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP02–45–000]

Notice of Availability of the Environmental Assessment for the Proposed Hanging Rock Lateral Project; Texas Eastern Transmission, L.P.

April 15, 2002.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) on the natural gas pipeline facilities proposed by Texas Eastern Transmission, L.P. (Texas Eastern) in the above-referenced docket.

The EA was prepared to satisfy the requirements of the National Environmental Policy Act. The staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

The EA assesses the potential environmental effects of the construction and operation of the proposed pipeline facilities including:

- 9.6 miles of 24-inch-diameter pipeline extending from milepost (MP) 562.18 on Texas Eastern's 30-inch-diameter Line Nos. 10 and 15 (the Texas Eastern Interconnect) in Scioto County, Ohio, to the Hanging Rock Plant in Lawrence County, Ohio;
- 150 feet of 20-inch-diameter pipeline at the Texas Eastern Interconnect;
- 150 feet of 12-inch-diameter pipeline at MP 2.1 on the Hanging Rock Lateral to interconnect with the existing Tennessee Gas Pipeline Company (Tennessee) pipeline Scioto County, Ohio (the Tennessee Interconnect);
- 2 new metering and regulating (M&R) stations at the Tennessee Interconnect;
- The Hanging Rock Plant M&R station on the Hanging Rock Plant property at MP 9.6 in Lawrence County, Ohio; and
- Appurtenant facilities.

The purpose of the proposed facilities would be to provide service to the Hanging Rock Power Plant, a 1,240 megawatt gas-fired electric power plant (Hanging Rock Plant) which would be constructed in Lawrence County, Ohio, by Duke Energy Hanging Rock, L.P. (Duke-Hanging Rock). The pipeline facilities would allow Texas Eastern to provide a total of 250,000 dekatherms per day of transportation service to the Hanging Rock Plant. These facilities have a proposed in-service date of November 1, 2002.

The EA has been placed in the public files of the FERC. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 888 First Street, NE., Room 2A, Washington, DC 20426, (202) 208–1371.

Copies of the EA have been mailed to Federal, state and local agencies, public interest groups, interested individuals, newspapers, and parties to this proceeding.

Any person wishing to comment on the EA may do so. To ensure consideration prior to a Commission decision on the proposal, it is important that we receive your comments before the date specified below. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your comments to: Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426;
- Label one copy of the comments for the attention of the Gas Branch 2, PJ11.2.
- Reference Docket No. CP02–45–000; and
- Mail your comments so that they will be received in Washington, DC on or before May 15, 2002.

Please note that we are continuing to experience delays in mail deliveries from the U.S. Postal Service. As a result, we will include all comments that we receive within a reasonable time frame in our environmental analysis of this project. However, the Commission encourages electronic filing of any comments or interventions or protests to this proceeding. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.gov* under the ''e-Filing'' link and the link to the User's Guide. Before you can file comments you will need to create a free account which can be created by clicking on ''Login to File'' and then ''New User Account.''

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[1] Only intervenors have the

[1] Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your comments considered.

Additional information about the proposed project is available from the Commission's Office of External Affairs, at (202) 208–1088 or on the FERC Internet website (*www.ferc.gov*) using the ''RIMS'' link to information in this docket number. Click on the ''RIMS'' link, select ''Docket #'' from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222.

Similarly, the ''CIPS'' link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the ''CIPS'' link, select ''Docket #'' from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2222.

Magalie R. Salas,

Secretary.

[FR Doc. 02–9703 Filed 4–19–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 516]

South Carolina Electric and Gas Company; Notice of Scoping Meetings and Intent To Prepare an Environmental Assessment

Issued April 16, 2002.

The Federal Energy Regulatory Commission (Commission) is requiring the seismic remediation of the Saluda Dam, part of the Saluda Hydroelectric Project (FERC No. 516). The Saluda Dam impounds the 48,000-acre Lake Murray and is located in Richland, Lexington, Newberry, and Saluda counties, South Carolina. Remediation of the dam is being required to ensure public safety, pursuant to Paragraph 12.4 (b) (2) (iv) of the Commission's Regulations, and will necessitate a temporary partial drawdown of Lake Murray. The drawdown will lower the reservoir approximately 15 feet below its normal operating level for approximately 20 months.

The Commission intends to prepare an Environmental Assessment (EA) for the Saluda Dam Remediation Project, which will be used by the Commission to identify impacts and to identify measures that may help mitigate the impacts caused by the project. To support and assist our environmental review, we are beginning the public scoping process to ensure that all pertinent issues are identified and analyzed, and that the environmental document is thorough and balanced.

We invite the participation of governmental agencies, non-governmental organizations, and the general public in the scoping process, and will be preparing Scoping Document 1 (SD1) to provide information on the proposed project and to solicit written and verbal comments and suggestions on our preliminary list of issues and alternatives to be addressed in the EA. The SD1 will be distributed to parties on the mailing list for this project, as well as other individuals and organizations that we have identified as having an interest in this project. The SD1 will be available from our Public Reference Room at (202) 208–1371. It will also be accessible online at *http://www.ferc.gov* using the ''RIMS'' link—select ''Docket #'' and follow the instructions (call (202–208–2222 for assistance).

We will hold two scoping meetings on May 17, 2002, to receive input on the appropriate scope of the environmental analysis. Both meetings will be held at the Embassy Suites Hotel, 200 Stoneridge Drive, Columbia, SC. A resource agency meeting will be held from 9 a.m to 12 noon. The public meeting will be held 7 p.m. until 9 p.m. The public and agencies may attend either or both meetings. The agency scoping meeting will focus on resource agency concerns, while the public scoping meeting is primarily for public input.

At the scoping meetings, the staff will: (1) summarize the environmental issues tentatively identified for analysis in the EA; (2) solicit from the meeting participants all available information, especially quantifiable data, on the resources at issue; (3) encourage statements from experts and the public on issues that should be analyzed in the EA, including viewpoints in opposition to, or in support of, the staff's preliminary views; (4) determine the resource issues to be addressed in the EA; and (5) identify those issues that require a detailed analysis, as well as those issues that do not require a detailed analysis. Staff will also be soliciting input on potential measures that could be implemented to minimize the impacts of the remediation project, including the drawdown.

The meetings will be recorded by a stenographer and will become part of the formal record for this project.

Individuals, organizations, and agencies with environmental expertise and concerns are encouraged to attend the meetings and assist the staff in defining and clarifying the issues to be addressed in the EA.

Interested parties may also file written scoping comments. All such comments (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. The deadline for filing scoping comments is June 21, 2002.

Scoping comments may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site (http://www.ferc.gov) under the ''e-Filing'' link.

Please direct any questions about the scoping process to John M. Mudre at (202) 219–1208.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–9767 Filed 4–19–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Transfer of License, Substitution of Relicense Applicant, and Soliciting Comments, Motions To Intervene, and Protests

April 15, 2002.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Types:* (1) Transfer of License and (2) Request for Substitution of Applicant for New License.

b. *Project Nos:* 7000–016 and 7000–015.

c. *Date Filed:* April 8, 2002.

d. *Applicants:* Newton Falls Holdings, LLC (transferor) and Erie Boulevard Hydropower, L.C. (transferee).

e. *Project Name and Location:* The Newton Falls Project is on the East Branch of the Oswegatchie River near the Village of Newton Falls in St. Lawrence County, New York. The project does not occupy federal or tribal lands.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

g. *Applicant Contacts:* For Transferor: Harold G. Slone, Manager, Newton Falls Holdings, LLC, 1930 West Wesley Road, NW, Atlanta, GA 30327, (770) 638–1172. For Transferee: William J. Madden, Jr., Winston & Strawn, 1400 L Street, NW., Washington, DC 20005–3502, (202) 371–5700.

h. *FERC Contact:* James Hunter, (202) 219–2839.

i. *Deadline for filing motions to intervene, protests, and comments:* June 15, 2002.

All documents (original and eight copies) should be filed with: Magalie Roman Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. 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.

Please include the noted project numbers on any comments or motions filed.

j. *Description of Proposal:* The Applicants request approval of the transfer of the license for Project No. 7000 from the transferor to the transferee, in connection with the proposed sale of the project.

The transfer application was filed within five years of the expiration of the license for Project No. 7000, which is the subject of a pending relicense application. In Hydroelectric Relicensing Regulations Under the Federal Power Act (54 FR 23,756; FERC Stats. and Regs., Regs. Preambles 1986–1990 30,854 at p. 31,437), the Commission declined to forbid all license transfers during the last five years of an existing license, and instead indicated that it would scrutinize all such transfer requests to determine if the primary purpose of the transfer was to give the transferee an advantage in relicensing (id. at p. 31,438 n. 318).

The transfer application also contains a separate request for approval of the substitution of the transferee for the transferor as the applicant in the pending relicensing application, filed by the transferor on January 30, 2002, in Project No. 7000–015.

k. 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). A copy is also available for inspection and reproduction at the addresses in item g above.

l. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie Roman Salas,

Secretary.

[FR Doc. 02–9708 Filed 4–22–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9185–000]

Notice of Intent To File for New License

April 16, 2002.

a. *Type of Filing:* Notice of Intent to File an Application for New License.

b. *Project No.:* 9185–000.

c. *Date Filed:* April 1, 2002.

d. *Submitted By:* Flambeau Hydro, LLC—current licensee.

e. *Name of Project:* Clam River Hydroelectric Project.

f. *Location:* On the Clam River near the City of Danbury, in Burnett County, Wisconsin. The project does not occupy Federal lands.

g. *Filed Pursuant to:* Section 15 of the Federal Power Act.

h. *Licensee Contact:* Loyal Gake, Flambeau Hydro, LLC, P.O. Box 167, 116 State Street, Neshkoro, WI 54960 (920) 293–4628.

i. *FERC Contact:* Tom Dean, thomas.dean@ferc.gov, (202) 219–2778.

j. *Effective date of current license:* April 1, 1957.

k. *Expiration date of current license:* March 31, 2007.

l. *Description of the Project:* The project consists of the following existing facilities: (1) a 40-foot-high, 54-foot-long dam with spillway section; (2) an 898-foot-long earth dike on the left side of the spillway, and a 223-foot-long earth dike on the right side; (3) a reservoir with a storage capacity of 3,825 acre-feet at a maximum pool elevation of 898.95 feet msl; (4) a powerhouse containing three generating units with a total installed capacity of 1,200 kW; (5) a 100-foot-long, 2.4 kV transmission line; and (6) other appurtenances.

m. Each application for a license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by March 31, 2005.

n. 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). A copy is also available for inspection and reproduction by

contacting the applicant identified in item h above.

Magalie R. Salas,

Secretary.

[FR Doc. 02–9768 Filed 4–19–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting

April 17, 2002.

The following notice of meeting is published pursuant to section 3(A) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C 552B:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: April 24, 2002, 10 a.m.

PLACE: Room 2C, 888 First Street, NE., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note: Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Magalie R. Salas, Secretary, Telephone (202) 208–0400. For a recording listing items stricken from or added to the meeting, call (202) 208–1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Reference and Information Center.

790th—Meeting April 24, 2002; Regular Meeting 10 a.m.

Administrative Agenda

A–1.
Docket# AD02–1, 000, Agency Administrative Matters

A–2.
Docket# AD02–7, 000, Customer Matters, Reliability, Security and Market Operations

Markets, Tariffs and Rates—Electric

E–1.
Docket# RM02–1, 000, Standardization of Generator Interconnection Agreements and Procedures

E–2.
Docket# RM01–8, 000, Revised Public Utility Filing Requirements

E–3.
Docket# EL01–118, 000, Investigation of Terms and Conditions of Public Utility Market-Based Rate Authorizations
Other#S EL01–118, 001, Investigation of Terms and Conditions of Public Utility Market-Based Rate Authorizations

E–4.
Docket# EC01–156, 000, TRANSLink Transmission Company, L.L.C., Alliant Energy Corporate Services, Inc., MidAmerican Energy Company and Xcel Energy Services, Inc.
Other#S ER01–3154, 000, Alliant Energy Corporate Services, Inc., MidAmerican Energy Company, Xcel Energy Services, Inc. and TRANSLink Transmission Company, L.L.C.

E–5.
Docket# EL02–65, 000, Alliance Companies, Ameren Services Company on behalf of: Union Electric Company, Central Illinois Public Service Company, American Electric Power Service Corporation on behalf of: Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, Wheeling Power Company, Dayton Power and Light Company, Exelon Corporation on behalf of: Commonwealth Edison Company, Commonwealth Edison Company of Indiana, Inc., FirstEnergy Corporation on behalf of: American Transmission Systems, Inc., Cleveland Electric Illuminating Power Company, Ohio Edison Company, Pennsylvania Power Company, Toledo Edison Company, Illinois Power Company, Northern Indiana Public Service Company and National Grid USA
Other#S RT01–88, 016, Alliance Companies, Ameren Services Company on behalf of: Union Electric Company, Central Illinois Public Service Company, American Electric Power Service Corporation on behalf of: Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, Wheeling Power Company, Consumers Energy Company, Michigan Electric Transmission Company, Dayton Power and Light Company, Exelon Corporation on behalf of: Commonwealth Edison Company, Commonwealth Edison Company of Indiana, Inc., First Energy Corporation on behalf of: American Transmission Systems, Inc., Cleveland Electric Illuminating Power Company, Ohio Edison Company, Pennsylvania Power Company, Toledo Edison Company, Illinois Power Company, Northern Indiana Public Service Company and Virginia Electric and Power Company

E–6.
Omitted

E–7.
Omitted

E–8.
Docket# ER02–1149, 000, ISO New England, Inc.
Other#S ER02–1149, 001, ISO New England, Inc.

E–9.
Omitted

E–10.
Docket# ER02–1265, 000, Entergy Gulf States, Inc.

E–11.
Docket# ER02–947, 000, Midwest Independent Transmission System Operator, Inc.
Other#S ER02–947, 001, Midwest Independent Transmission System Operator, Inc.

E–12.
Docket# ER02–1264, 000, Cabrillo Power I LLC and Cabrillo Power II LLC

E–13.
Docket# ER02–863, 000, Midwest Independent Transmission System Operator, Inc.
Other#S ER02–330, 000, Alliant Energy Corporate Services, Inc.
ER02–330, 001, Alliant Energy Corporate Services, Inc.
ER02–863, 001, Midwest Independent Transmission System Operator, Inc.

E–14.
Docket# RT01–12, 000, Indianapolis Power & Light Company
Other#S RT01–52, 000, Alliant Energy Corporate Services, Inc., American Transmission Company, LLC, Central Illinois Light Company, Edison Sault Electric Company, Madison Gas & Electric Company, Southern Indiana Gas & Electric Company, Wisconsin Public Service Corporation and Upper Peninsula Power Company
RT01–69, 000, Wayne-White Counties Electric Cooperative
RT01–91, 000, American Transmission Company LLC
RT01–96, 000, Alliant Energy Corporate Services, Inc., American Transmission Company LLC, Central Illinois Light Company, Cinergy Corporation, Hoosier Energy Rural Cooperative, Inc., Kentucky Utilities Company, Louisville Gas & Electric Company, Northern States Power Company (Minnesota), Northern States Power Company (Wisconsin) and Southern Indiana Gas & Electric Company

E–15.
Omitted

E–16.
Docket# ER00–1743, 002, Entergy Services, Inc.
Other#S ER00–1743, 003, Entergy Services, Inc.

E–17.
Docket# ER00–3591, 009, New York Independent System Operator, Inc.
Other#S EL00–70, 006, New York State Electric & Gas Corporation v. New York Independent System Operator, Inc.
ER00–1969, 010, New York Independent System Operator, Inc.
ER00–3038, 005, New York Independent System Operator, Inc.

E–18.
Docket# ER02–1182, 000, Niagara Mohawk Power Corporation

E–19.
Omitted

E–20.
Docket# ER96–2573, 003, Southern Company Services, Inc.
Other#S ER93–730, 013, Cinergy Capital & Trading, Inc.
ER94–24, 030, Enron Power Marketing, Inc.
ER94–968, 027, Electric Clearinghouse, Inc.
ER94–1188, 028, LG&E Energy Marketing, Inc.
ER94–1384, 023, Morgan Stanley Capital Group Inc.

ER94–1685, 025, Citizens Power Sales
ER95–393, 023, Hartford Power Sales, L.L.C.
ER95–428, 019, EL Paso Power Services Company
ER95–892, 043, CL Power Sales (1–5), L.L.C.
ER95–1007, 013, Logan Generating Company, L.P.
ER95–1615, 018, Entergy Power Marketing Corporation
ER95–1625, 020, PG&E Energy Trading-Power, L.P.
ER96–25, 016, Coral Power, L.L.C.
ER96–2408, 013, Avista Energy, Inc.
ER96–2652, 031, CL Power Sales (6–10), L.L.C.
ER96–2921, 015, Duke Energy Trading and Marketing, L.L.C.
ER97–654, 010, Engage Energy US, L.P.
ER97–2261, 010, Constellation Power Source, Inc.
ER97–4587, 001, Williams Generation Company—Hazelton
ER98–6, 007, USGen New England, Inc.
ER98–13, 010, Enron Energy Services, Inc.
ER98–107, 007, Sithe Power Marketing, Inc.
ER98–830, 005, Millenium Power Partners, L.P.
ER98–1055, 006, Merchant Energy Group of the Americas
ER98–1278, 004, Western Kentucky Energy Corporation
ER98–4400, 002, Pittsfield Generating Company, L.P.
ER98–4540, 001, Louisville Gas and Electric Company and Kentucky Utilities Company
ER99–890, 002, CL Power Sales 15, L.L.C.
ER99–891, 002, CL Power Sales 14, L.L.C.
ER99–892, 002, CL Power Sales 13, L.L.C.
ER99–893, 002, CL Power Sales 12, L.L.C.
ER99–894, 002, CL Power Sales 11, L.L.C.
ER99–1004, 002, Entergy Nuclear Generation Company
ER99–1125, 002, LG&E Westmoreland Renssalaer
ER99–1714, 001, Lake Road Generating Company, L.P.
ER99–1722, 001, Williams Energy Marketing & Trading Company
ER99–1751, 002, Aquila Energy Marketing Corporation
ER99–1801, 002, Reliant Energy Services, Inc.
ER99–2079, 001, Reliant Energy Ormond Beach, L.L.C.
ER99–2080, 001, Reliant Energy Mandalay, L.L.C.
ER99–2082, 001, Reliant Energy Coolwater, L.L.C.
ER99–2083, 001, Reliant Energy Etiwanda, L.L.C.
ER99–2108, 001, LG&E Capital Corporation
ER99–2081, 001, Reliant Energy Ellwood, L.L.C.

E–21.
Docket# ER02–1205, 000, PJM Interconnection, L.L.C.

E–22.
Docket# ER00–1969, 004, New York Independent System Operator, Inc.
Other#S ER00–1969, 011, New York Independent System Operator, Inc.

E–23.
Omitted

E–24.
Docket# TX00–1, 001, United States Department of Energy—Western Area Power Administration, Colorado River Storage Project Management Center
Other#S ER00–896, 001, Public Service Company of New Mexico

E–25.
Omitted

E–26.
Docket# EL01–80, 003, National Grid USA
Other#S EL02–65, 000, Alliance Companies, Ameren Services Company on behalf of: Union Electric Company, Central Illinois Public Service Company, American Electric Power Service Corporation on behalf of: Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, Wheeling Power Company, Dayton Power and Light Company, Exelon Corporation on behalf of: Commonwealth Edison Company, Commonwealth Edison Company of Indiana, Inc. FirstEnergy Corporation on behalf of: American Transmission Systems, Inc., Cleveland Electric Illuminating Power Company, Ohio Edison Company, Pennsylvania Power Company, Toledo Edison Company, Illinois Power Company, Northern Indiana Public Service Company and National Grid USA
RT01–88, 016, Alliance Companies, Ameren Services Company on behalf of: Union Electric Company, Central Illinois Public Service Company, American Electric Power Service Corporation on behalf of: Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, Wheeling Power Company, Consumers Energy Company, Michigan Electric Transmission Company, Dayton Power and Light Company, Exelon Corporation on behalf of: Commonwealth Edison Company, Commonwealth Edison Company of Indiana, Inc., First Energy Corporation on behalf of: American Transmission Systems, Inc., Cleveland Electric Illuminating Power Company, Ohio Edison Company, Pennsylvania Power Company, Toledo Edison Company, Illinois Power Company, Northern Indiana Public Service Company and Virginia Electric and Power Company

E–27.
Docket# ER02–254, 001, Sierra Pacific Power Company

E–28.
Docket# ER02–605, 001, Puget Sound Energy, Inc.

E–29.
Docket# ER02–1151, 000, Entergy Arkansas, Inc.

E–30.
Docket# ER02–1079, 000, Midwest Independent Transmission System Operator, Inc.

E–31.
Omitted

E–32.
Omitted

E–33.
Docket# EL02–70, 000, The United Illuminating Company v. ISO New England Inc.
Other#S EL02–61, 000, PG&E National Energy Group, PG&E Generating, USGen New England, Inc. and PG&E Energy Trading-Power, L.P. v. ISO New England Inc.

E–34.
Docket# EL02–25, 000, Intermountain Rural Electric Association v. Public Service Company of Colorado

E–35.
Docket# EL01–113, 000, Mid-Tex G&T Electric Cooperative, Inc., Big Country Electric Cooperative, Inc., Coleman County Electric Cooperative, Inc., Concho Valley Electric Cooperative, Inc., Golden Spread Electric Cooperative, Inc., Kimble Electric Cooperative, Inc., Lighthouse Electric Cooperative, Inc., Rio Grande Electric Cooperative, Inc., Southwest Texas Electric Cooperative, Inc. and Taylor Electric Cooperative, Inc. v. West Texas Utilities Company

E–36.
Docket# EL02–60, 000, Public Utilities Commission of the State of California v. Sellers of Long Term Contracts to the California Department of Water Resources
Other#S EL02–26, 000, Nevada Power Company and Sierra Pacific Power Company v. Duke Energy Trading and Marketing, L.L.C., Enron Power Marketing, Inc., El Paso Merchant Energy and American Electric Power Services Corporation
EL02–28, 000, Nevada Power Company and Sierra Pacific Power Company v. Duke Energy Trading and Marketing, L.L.C., Enron Power Marketing, Inc., El Paso Merchant Energy and American Electric Power Services Corporation
EL02–29, 000, Nevada Power Company v. Morgan Stanley Capital Group, Calpine Energy Services, Reliant Energy Services, Mirant Americas Energy Marketing, L.P., BP Energy Company and Allegheny Energy Supply Company, L.L.C.
EL02–30, 000, Nevada Power Company v. Morgan Stanley Capital Group, Calpine Energy Services, Reliant Energy Services, Mirant Americas Energy Marketing, L.P., BP Energy Company and Allegheny Energy Supply Company, L.L.C.
EL02–31, 000, Nevada Power Company v. Morgan Stanley Capital Group, Calpine Energy Services, Reliant Energy Services, Mirant Americas Energy Marketing, L.P., BP Energy Company and Allegheny Energy Supply Company, L.L.C.
EL02–32, 000, Nevada Power Company v. Morgan Stanley Capital Group, Calpine Energy Services, Reliant Energy Services, Mirant Americas Energy Marketing, L.P., BP Energy Company and Allegheny Energy Supply Company, L.L.C.
EL02–33, 000, Nevada Power Company and Sierra Pacific Power Company v. Duke Energy Trading and Marketing, L.L.C., Enron Power Marketing, Inc., El

Paso Merchant Energy and American Electric Power Services Corporation
EL02–34, 000, Nevada Power Company v. Morgan Stanley Capital Group, Calpine Energy Services, Reliant Energy Services, Mirant Americas Energy Marketing, L.P., BP Energy Company and Allegheny Energy Supply Company, L.L.C.
EL02–38, 000, Nevada Power Company and Sierra Pacific Power Company v. Duke Energy Trading and Marketing, L.L.C., Enron Power Marketing, Inc., El Paso Merchant Energy and American Electric Power Services Corporation
EL02–39, 000, Nevada Power Company v. Morgan Stanley Capital Group, Calpine Energy Services, Reliant Energy Services, Mirant Americas Energy Marketing, L.P., BP Energy Company and Allegheny Energy Supply Company, L.L.C.
EL02–43, 000, Southern California Water Company v. Mirant Americas Energy Marketing, L.P.
EL02–56, 000, Public Utility District No. 1 of Snohomish County, Washington v. Morgan Stanley Capital Group, Inc.
EL02–62, 000, California Electricity Oversight Board v. Sellers of Energy and Capacity Under Long-Term Contracts with the California Department of Water Resources

E–37.
Docket# EL02–58, 000, Public Service Company of New Mexico v. Arizona Public Service Company

E–38.
Docket# EL92–33, 004, Barton Village, Inc., Village of Enosburg Falls Water & Light Department, Village of Orleans and Village of Swanton, Vermont v. Citizens Utilities Company
Other#s EL92–33, 005, Barton Village, Inc., Village of Enosburg Falls Water & Light Department, Village of Orleans and Village of Swanton, Vermont v. Citizens Utilities Company
EL92–33, 006, Barton Village, Inc., Village of Enosburg Falls Water & Light Department, Village of Orleans and Village of Swanton, Vermont v. Citizens Utilities Company
EL92–33, 007, Barton Village, Inc., Village of Enosburg Falls Water & Light Department, Village of Orleans and Village of Swanton, Vermont v. Citizens Utilities Company

E–39.
Docket# ER02–352, 001, Southern Company Services, Inc.
Other#s ER02–352, 000, Southern Company Services, Inc.

E–40.
Docket# EL02–11, 000, Central Maine Power Company

E–41.
Docket# ER02–324, 001, Entergy Gulf States, Inc.
Other#s ER02–324, 002, Entergy Gulf States, Inc.

E–42.
Omitted

E–43.
Docket# ER02–407, 001, Geysers Power Company, LLC

E–44.
Omitted

E–45.
Docket# ER91–195, 035, Western Systems Power Pool
Other#s ER91–195, 042, Western Systems Power Pool
ER91–195, 043, Western Systems Power Pool
ER91–195, 044, Western Systems Power Pool
ER91–195, 045, Western Systems Power Pool
ER91–195, 046, Western Systems Power Pool
ER91–195, 047, Western Systems Power Pool
ER91–195, 048, Western Systems Power Pool
ER91–195, 049, Western Systems Power Pool

E–46.
Docket# ER00–1969, 009, New York Independent System Operator, Inc.
Other#s ER00–1969, 012, New York Independent System Operator, Inc.
ER00–3591, 008, New York Independent System Operator, Inc.
ER00–3591, 010, New York Independent System Operator, Inc.

Miscellaneous Agenda

M–1.
Docket# RM02–8, 000, Revised Fees for Record Requests

Markets, Tariffs and Rates—Gas

G–1.
Docket# GT02–13, 000, Tennessee Gas Pipeline Company

G–2.
Docket# RP99–106, 006, TransColorado Gas Transmission Company

G–3.
Docket# RP96–320, 055, Gulf South Pipeline Company, LP

G–4.
Docket# RP99–301, 045, ANR Pipeline Company

G–5.
Docket# RP99–301, 044, ANR Pipeline Company

G–6.
Docket# RP02–215, 000, Kinder Morgan Interstate Gas Transmission LLC
Other#s RP02–215, 001, Kinder Morgan Interstate Gas Transmission LLC

G–7.
Docket# RP02–210, 000, Questar Pipeline Company

G–8.
Docket# RP02–209, 000, Southern Natural Gas Company

G–9.
Docket# RP00–336, 002, El Paso Natural Gas Company
Other#s RP01–484, 000, Aera Energy, LLC, Amoco Production Company, BP Energy Company, Burlington Resources Oil & Gas Company LP, Conoco Inc., Coral Energy Resources LP, ONEOK Energy Marketing & Trading Company, L.P., Pacific Gas and Electric Company, Panda Gila River L.P., the Public Utilities Commission of the State of California, Southern California Edison Company, Southern California Gas Company and Texaco Natural Gas Inc. v. El Paso Natural Gas Company
RP01–486, 000, Texas, New Mexico and Arizona Shippers: Apache Nitrogen Products, Inc., Arizona Electric Power Cooperative, Inc., Arizona Gas Division of Citizens Communications Company, BHP Copper, Inc., El Paso Electric Company, El Paso Municipal Customer Group, Phelps Dodge Corporation, Public Service Company of New Mexico, Salt River Project and Southern Union Gas Company v. El Paso Natural Gas Company
RP00–139, 000, KN Marketing, L.P. v. El Paso Natural Gas Company

G–10.
Omitted

G–11.
Omitted

G–12.
Omitted

G–13.
Docket# RP97–255, 043, TransColorado Gas Transmission Company

G–14.
Omitted

G–15.
Docket# RP02–196, 000, Reliant Energy Gas Transmission Company

G–16.
Docket# IS02–10, 000, Kinder Morgan Operating L.P. ''A''

G–17.
Docket# RP00–466, 000, Enbridge Offshore Pipelines (UTOS) LLC (Formerly: U–T Offshore System, L.L.C.)
Other#s RP00–618, 000, Enbridge Offshore Pipelines (UTOS) LLC (Formerly: U–T Offshore System, L.L.C.)
RP00–618, 001, Enbridge Offshore Pipelines (UTOS) LLC (Formerly: U–T Offshore System, L.L.C.)

G–18.
Docket# RP00–486, 000, Cove Point LNG Limited Partnership
Other#s RP01–40, 000, Cove Point LNG Limited Partnership
RP01–40, 001, Cove Point LNG Limited Partnership

G–19.
Omitted

G–20.
Docket# RP00–491, 000, Petal Gas Storage, L.L.C.
Other#s RP00–491, 001, Petal Gas Storage, L.L.C.
CP01–69, 003, Petal Gas Storage, L.L.C.
RP02–188, 000, Petal Gas Storage, L.L.C.

G–21.
Docket# RP00–319, 000, Discovery Gas Transmission L.L.C.
Other#s RP00–598, 000, Discovery Gas Transmission L.L.C.

G–22.
Docket# RP02–134, 000, Maritimes & Northeast Pipeline, L.L.C.

G–23.
Docket# RP00–489, 000, Young Gas Storage Company, Ltd.
Other#s RP01–41, 000, Young Gas Storage Company, Ltd.

G–24.
Docket# RP00–404, 003, Northern Natural Gas Company
Other#s RP00–404, 004, Northern Natural Gas Company
RP01–76, 005, Northern Natural Gas Company

RP01–76, 006, Northern Natural Gas Company
RP01–382, 009, Northern Natural Gas Company
RP01–382, 010, Northern Natural Gas Company
RP01–396, 003, Northern Natural Gas Company
RP01–396, 004, Northern Natural Gas Company
G–25.
Omitted
G–26.
Docket# IS01–482, 000, Mid-America Pipeline Company
G–27.
Docket# IS01–108, 001, Pioneer Pipe Line Company
Other#s DO01–2, 000, Pioneer Pipe Line Company
G–28.
Omitted
G–29.
Docket# RP01–190, 001, Kern River Gas Transmission Company
G–30.
Docket# RP01–246, 004, Natural Gas Pipeline Company of America
G–31.
Docket# RM96–1, 020, Standards for Business Practices of Interstate Natural Gas Pipelines
G–32.
Docket# RP02–217, 000, Panhandle Eastern Pipe Line Company

Energy Projects—Hydro

H–1.
Docket# P–11873, 000, Symbiotics, LLC
H–2.
Docket# P–11890, 000, Symbiotics, LLC
H–3.
Docket# P–11911, 000, Symbiotics, LLC

Energy Projects—Certificates

C–1.
Docket# CP01–361, 000, Northwest Pipeline Corporation
C–2.
Docket# CP02–116, 000, Tennessee Gas Pipeline Company
Other#s CP02–117, 000, Tennessee Gas Pipeline Company
C–3.
Docket# CP01–405, 000, Kern River Gas Transmission Company
C–4.
Docket# CP02–97, 000, West Texas Gas, Inc.
C–5.
Docket# CP01–94, 002, Nornew Energy Supply, Inc. and Norse Pipeline, L.L.C.
Other#s CP01–95, 001, Nornew Energy Supply, Inc.
CP01–96, 001, Nornew Energy Supply, Inc.
CP01–97, 002, Nornew Energy Supply, Inc. and Norse Pipeline, L.L.C.
C–6.
Docket# CP93–253, 005, El Paso Natural Gas Company
C–7.
Docket# CP01–417, 001, Transcontinental Gas Pipe Line Corporation

Magalie R. Salas,

Secretary.

[FR Doc. 02–9879 Filed 4–19–02; 11:21 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Post-2005 Resource Pool, Pick-Sloan Missouri Basin Program, Eastern Division

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice for Letters of Interest.

SUMMARY: The Western Area Power Administration (Western), Upper Great Plains Customer Service Region, a Federal power marketing agency of the Department of Energy (DOE), is publishing this notice to solicit Letters of Interest from entities interested in an allocation of power, and/or in providing comments regarding a proposed resource pool, and to gather information to aid Western in determining the appropriate purposes for this proposed resource pool. A Federal power resource pool increment of up to 1 percent of the long-term marketable resource of the Pick-Sloan Missouri Basin Program, Eastern Division (P–SMBP–ED) may become available January 1, 2006, under the Energy Planning and Management Program (Program).

DATES: Western will hold four public information forums (each not exceeding 3 hours). The public information forum dates are:

1. May 14, 2002, 1 p.m. to 4 p.m., Billings, Montana.
2. May 15, 2002, 1 p.m. to 4 p.m., Fargo, North Dakota.
3. May 16, 2002, 1 p.m. to 4 p.m., Omaha, Nebraska.
4. May 17, 2002, 9 a.m. to 12 p.m., Pierre, South Dakota.

ADDRESSES: Send Letters of Interest to Gerald C. Wegner, Regional Manager, Upper Great Plains Customer Service Region, Western Area Power Administration, 2900 4th Avenue North, Billings, MT 59107–5800.

The public information forum locations are:

1. Billings—Sheraton Hotel, 27 North 27th Street, Billings, MT 59101.
2. Fargo—Best Western Doublewood Inn, 3333 13th Avenue South, Fargo, ND 58103.
3. Omaha—Holiday Inn Central, 3321 South 72nd Street, Omaha, NE 68124.
4. Pierre—Best Western's Kings Inn, 220 South Pierre, Pierre, SD 57501.

FOR FURTHER INFORMATION CONTACT: Jon R. Horst, Public Utilities Specialist, Upper Great Plains Customer Service Region, Western Area Power Administration, 2900 4th Avenue North, Billings, MT 59107–5800, telephone (406) 247–7444, e-mail *horst@wapa.gov.*

All documentation developed or retained by Western in developing this Post-2005 Resource Pool will be available for inspection and copying at the Upper Great Plains Customer Service Region in Billings, Montana.

SUPPLEMENTARY INFORMATION: On October 20, 1995, Western published the Final Program Rule. The Final Rule became effective on November 20, 1995. Subpart C-Power Marketing Initiative of the Program, Final Rule, 10 CFR part 905, published at 60 FR 54151 provides for project-specific resource pools and allocations of power from these pools to eligible new customers and/or for other appropriate purposes as determined by Western. The goal of the Program is to require planning for efficient electric energy use by Western's long-term firm power customers. Specifically, 10 CFR part 905.32 (b) provides:

> At two 5-year intervals after the effective date of the extension to existing customers, Western shall create a project-specific resource pool increment of up to 1 percent of the long-term marketable resource under contract at the time. The size of the additional resource pool increment shall be determined by Western based on consideration of the actual fair-share needs of eligible new customers and other appropriate purposes.

Letters of Interest for the proposed P–SMBP–ED resource pool should contain the following information: name(s) of the interested entity, entity's interest, geographic location of the entity, and suggested appropriate purposes of the resource pool. All Letters of Interest must be received by 5 p.m., MDT, on June 17, 2002. Entities sending Letters of Interest are encouraged to use certified mail. All Letters of Interest will be accepted via regular mail through the United States Postal Service if postmarked at least 3 days before June 20, 2002. Western reserves the right to not consider any Letters of Interest that are not received by the prescribed dates. Western does not consider Letters of Interest as a means for application to this resource pool. Calls for application, if determined to be necessary, will be made in a subsequent future notice published in the **Federal Register**.

I. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601–621, requires Federal agencies to perform a regulatory flexibility analysis if a final rule is likely to have a significant economic impact on a substantial number of small entities and there is a legal requirement to issue a general notice of proposed rulemaking. Western has determined this action does not require a regulatory flexibility analysis since it is a rulemaking of particular applicability involving rates or services applicable to public property.

II. Small Business Regulatory Enforcement Fairness Act

Western determined this rule is exempt from congressional notification requirements under 5 U.S.C. 801 because the action is a rulemaking of particular applicability relating to rates or services and involves matters of procedure.

III. Determination 12866

DOE has determined that this is not a significant regulatory action because it does not meet the criteria of Executive Order 12866, 58 FR 51735. Western has an exemption from centralized regulatory review under Executive Order 12866; accordingly, this notice requires no clearance by the Office of Management and Budget.

IV. Environmental Compliance

Western has completed an environmental impact statement on the Program, pursuant to the National Environmental Policy Act of 1969 (NEPA). The Record of Decision was published in 60 FR 53181, October 12, 1995. Western's NEPA review assured all environmental effects related to these actions have been analyzed.

Dated: April 9, 2002.

Michael S. Hacskaylo,

Administrator.

[FR Doc. 02–9765 Filed 4–19–02; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[Petition IV–2000–I; FRL–7173–2]

Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for Kerr-McGee Chemicals, LLC; Mobile County, AL

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final order on petition to object to a state operating permit.

SUMMARY: This document announces that the EPA Administrator has denied a petition to object to a state operating permit issued by the Alabama Department of Environmental Management to Kerr-McGee Chemicals, LLC, Mobile County, Alabama. Pursuant to section 505(b)(2) of the Clean Air Act (Act), petitioners may seek judicial review of the petition in the United States Court of Appeals for the appropriate circuit within 60 days of this decision under section 307 of the Act.

ADDRESSES: You may review copies of the final order, the petition, and other supporting information at EPA Region 4, Air, Pesticides and Toxics Management Division, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. If you wish to examine these documents, you should make an appointment at least 24 hours before visiting day. The final order is also available electronically at the following address: *http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitions/kerrmcgee_decision2000.pdf*

FOR FURTHER INFORMATION CONTACT: Joel Huey, Air Permits Section, EPA Region 4, at (404) 562–9104 or *huey.joel@epa.gov.*

SUPPLEMENTARY INFORMATION: The Act affords EPA a 45-day period to review, and object to as appropriate, operating permits proposed by state permitting authorities. Section 505(b)(2) of the Act authorizes any person to petition the EPA Administrator within 60 days after the expiration of the is review period to object to state operating permits if EPA has not done so. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or the grounds for the issues arose after this period. Mobile Bay Watch, Inc., submitted a petition to the Administrator on May 22, 2000, seeking EPA's objection to the operating permit issued to Kerr-McGee Chemicals, LLC. The petitioner maintains that the Kerr-McGee Chemicals operating permit is inconsistent with the Act because the permit fails to: (1) Require adequate periodic monitoring of facility emissions; (2) require the facility to prepare a Risk Management Plan as well as Worst Case Scenario and Planning Case Scenario; and (3) reflect the comments submitted by Mobile Bay Watch during the 30-day draft permit period. Mobile Bay Watch also bases its petition on the following statements: (1) Kerr-McGee requested in its permit application that the number of federally enforceable limitations in the operating permit be minimized; (2) Kerr-McGee requested in its permit application that the permit include a permit shield; (3) the period between the date of the permit application and the issuance of the draft permit was excessive; and (4) EPA failed to fully review the Kerr-McGee Chemicals permit.

On February 1, 2002, the Administrator issued an order denying the petition. The order explains the reasons behind EPA's conclusion that the petitioner has failed to demonstrate that the Kerr-McGee Chemicals permit does not assure compliance with the Act on the grounds raised.

Dated: March 18, 2002.

A. Stanley Meiburg,

Deputy Regional Administrator, Region 4.

[FR Doc. 02–9495 Filed 4–19–02; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7173–9]

EPA Science Advisory Board; Notification of Public Advisory Committee Meetings; Underground Storage Tanks (UST) Cleanup/ Resource Conservation and Recovery Act (RCRA); Program Benefits, Costs and Impacts (BCI) Review Panel

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given of three meetings of the Underground Storage Tanks (UST) Cleanup/Resource Conservation Recovery Act (RCRA) Program Benefits, Costs and Impacts (BCI) Review Panel (UST/RCRA BCI Review Panel, or ''the Panel'') of the Executive Committee of the US EPA Science Advisory Board (SAB). The Panel will meet on the dates and times noted below. All times noted are Eastern Time. All meetings are open to the public, however, seating is limited and available on a first come basis. For teleconference meetings, available lines may also be limited. *Important Notice:* Documents that are the subject of SAB reviews are normally available from the originating EPA office and are not available from the SAB Office—information concerning availability of documents from the relevant Program Office is included below.

Background

In 1996, the Office of Solid Waste and Emergency Response (OSWER) began to develop methodologies to better characterize the costs and benefits (including environmental, health, and other human welfare benefits) and other impacts of its various environmental programs. As a first step, OSWER staff identified a set of program attributes that describe a broad range of potential impacts that may result from OSWER programs. This list of attributes included the traditional economic benefit/cost measures, but also went beyond them to try to capture other program features and factors that influence the design, implementation, and performance of OSWER programs and that OSWER managers believed were important to characterize in any analysis of the performance of their programs (*e.g.,* sustainability, stakeholder issues, impacts on long-term behavioral changes, and regulatory constraints). OSWER selected two of its programs (a prevention program and a cleanup program) to serve as pilots to test the practical application of these attributes in characterizing and measuring program performance and impacts. The OSWER draft document to be reviewed as an advisory by the Panel addresses one of these two pilot programs, namely the Underground Storage Tank (UST) cleanup program. The purpose of the draft document is to present a range of potential methods OSWER could use to characterize or quantify each of the relevant attributes for the UST cleanup program, together with the advantages, disadvantages, and uncertainties. The methods range from relatively simple to more complex, resource-intensive methods.

The EPA Science Advisory Board (SAB, Board) announced in 66 FR 44343–44344, August 23, 2001, that it has been asked to undertake a review of the Underground Storage Tanks (UST) Cleanup and Resource Conservation Recovery Act (RCRA) Subtitle C Program Benefits, Costs and Impacts. The Board invited nominations for consideration on the review panel being formed. The SAB's process for panel formation has been designed for three purposes: to help the Board meet EPA's legal requirements; to be transparent to the public, so the public can understand and participate in the process; and to help the Board fulfill its mission. Approximately 2-dozen nominations were received in response to the **Federal Register** announcement. Coupled with nominees from other sources (Agency, SAB members, and SAB Staff), approximately 120 candidates were identified as viable for further consideration. This list now has been narrowed down to 19 candidates, based upon interest, availability, credentials, expertise needed, etc. (*see* below for more detail) of which approximately 10 candidates will be selected for this review. Five of the nineteen candidates on the current list were suggested through the **Federal Register** nomination process. The background, charge, and description of the review documents appear in the above referenced **Federal Register** notice, and are also available on the SAB Web site (*http://www.epa.gov/sab/ustrcrainvita.pdf*).

The expertise appropriate to address the charge questions includes environmental economics, preferably with (a) experience in waste and groundwater contamination issues; (b) experience with EPA's Resource Conservation and Recovery Act (RCRA) program and Underground Storage Tank (UST) program; (c) demonstrated knowledge of waste and groundwater contamination issues, particularly in the RCRA and UST; and (d) social science perspectives.

The criteria for selecting Panel members include (a) recognized expertise; (b) impartiality and objectivity; (c) absence of conflicts of interest; (d) availability to participate fully in the review, which will be conducted over a relatively short time frame (*i.e.,* within approximately 3 months); and (e) collectivity, a balanced range of scientific perspectives on the issues. Panel members are expected to perform one face-to-face public meeting, and two public teleconference meetings over the course of 3 months. In addition, they will review and help finalize the report of the Panel that will be reviewed and approved by the SAB Executive Committee (EC) prior to its transmittal to the EPA Administrator.

1. Underground Storage Tanks (UST) Cleanup/Resource Conservation Recovery Act (RCRA) Program Benefits, Costs and Impacts (BCI) Review Panel (UST/RCRA BCI Review Panel)—May 9, 2002 Teleconference

The Underground Storage Tanks (UST) Cleanup/Resource Conservation Revovery Act (RCRA) Program Benefits, Costs and Impacts Review Panel of the Executive Committee of the US EPA Science Advisory Board (SAB) will meet on Thursday, May 9, 2002 via teleconference from 3:00 pm to 5:00 pm Eastern Time. This teleconference meeting will be convened in Conference Room 6013, USEPA, Ariel Rios Building North, 1200 Pennsylvania Avenue, NW, Washington, DC 20004. The meeting is open to the public, however, due to limited space, seating will be on a first-come basis—the public may also attend via telephone, however, lines may be limited. For further information concerning the meeting or how to obtain the phone number, please contact the individuals listed at the end of this FR notice.

Purpose of the Meeting

The purpose of this public teleconference meeting is to: (a) Discuss the Charge and the adequacy of the review materials provided to the Panel; (b) to clarify any questions and issues relating to the charge and the review materials; (c) to discuss specific charge assignments to the Panelists; and (d) to clarify specific points of interest raised by the Panelists in preparation for the face-to-face meeting to be held on Monday, May 20 and Tuesday, May 21, 2002.

See below for availability of review materials and contact information.

2. Underground Storage Tanks (UST) Cleanup/Resource Conservation Recovery Act (RCRA) Program Benefits, Costs and Impacts (BCI) Review Panel (Panel)—May 20 and 21, 2002 Meeting

The Underground Storage Tanks UST Cleanup Resource Conservation Recovery Act (RCRA) Program Benefits, Costs and Impacts (BCI) Review Panel (Panel) of the Executive Committee of the US EPA Science Advisory Board (SAB) will conduct a public meeting on Monday, May 20 and Tuesday, May 21, 2002. The meeting will begin on Monday, May 20, 2002 at 9 am and adjourn no later than 5:30 pm that day. On May 21, 2002, the meeting may begin at 8:30 am and adjourn no later than 5:30 pm. The meeting will take place in the Large Conference Room 1117 in the EPA East Headquarters Building, 1201 Constitution Avenue, NW, Washington, DC 20004. For further information concerning the meeting, please contact the individuals listed at the end of this FR notice.

Purpose of the Meeting

The purpose of this meeting is to conduct a review of the UST and RCRA Title C Benefit, Cost and Impact documents. In particular, the Panel will: (a) Engage in dialogue with appropriate officials from the Agency who are responsible for preparation and utilization of the draft documents dated October, 2000; (b) receive public comments on the technical issues involved and; (c) begin to prepare responses to the Charge questions (see below).

The Proposed Charge

The Office of Solid Waste and Emergency Response (OSWER) is requesting that the EPA Science Advisory Board (SAB) review the following documents: ''*Approaches to Assessing the Benefits, Costs, and Impacts of the RCRA Subtitle C Program*'' and ''*Approaches to Assessing the Benefits, Costs, and Impacts of the Office of Underground Storage Tanks Cleanup Program*.'' The text of the draft Charge to the SAB is posted on the SAB Web site at: *http://www.epa.gov/sab/ustcharge.pdf.*

See below for availability of review materials and contact information for the meeting.

3. Underground Storage Tanks (UST) Cleanup/Resource Conservation Recovery Act (RCRA) Program Benefits, Costs and Impacts (BCI) Review Panel (UST/RCRA BCI Review Panel)—June 18, 2002 Contingency Teleconference

Purpose of the Meeting

Depending on progress achieved in developing its advisory from the May 20–21, 2002 meeting, the Underground Storage Tanks (UST) Cleanup/Resource Conservation Recovery Act (RCRA) Program Benefits, Costs and Impacts (BCI) Review (Panel) of the Executive Committee of the Science Advisory Board (SAB) may convene in a public teleconference on Tuesday, June 18 from 2 p.m. to 4 p.m. This purpose contingency meeting would provide an opportunity for the Panel to reach closure on a consensus draft in a public forum. If held, the meeting will be convened in Conference Room 6013, US EPA, Ariel Rios Building North, 1200 Pennsylvania Avenue, NW, Washington, DC 20004. The meeting is open to the public, however, due to limited space, seating will be on a first-come basis—the public may also attend via telephone, however, lines may be limited. For further information concerning the meeting or how to obtain the phone number, please contact the individuals listed at the end of this FR notice.

The public is encouraged to attend the meeting in the conference room noted above, however, a limited number of the public may also attend through a telephonic link. Additional instructions about how to participate in the meeting can be obtained by calling the individuals listed below prior to the meeting (*see* contact information given below). The teleconference will be convened only if, in the opinion of the Panel Chair, it is needed to address issues that require further discussion prior to completion of the Panel's report. A decision as whether or not this teleconference will be convened will be made by close of business, Tuesday, June 4, 2002, 14 days prior to the tentatively scheduled date. The decision on the teleconference will be posted to the SAB Web site (*www.epa.gov/sab*); or members of the public may contact Ms. Renee Cooper (*see* contact information given below). *Availability of Review Materials*—If this teleconference is to be held, a list of the issues to be discussed, along with a draft meeting agenda, will be posted on the SAB Web site (*www.epa.gov/sab*) under the ''Agenda'' heading on or about June 7, 2002. If the meeting is canceled, a notice will be posted on the SAB website to that effect, as well under the ''New'' heading of the Web page.

For Further Information

Any member of the public wishing further information concerning these meetings or who wish to submit brief oral comments must contact Dr. K. Jack Kooyoomjian, Designated Federal Officer, of the Panel, USEPA Science Advisory Board (1400A), Suite 6450BB, 1200 Pennsylvania Avenue, NW, Washington, DC 20460; telephone/voice mail at (202) 564–4557; fax at (202) 501–0582; or via e-mail at *kooyoomjian.jack@epa.gov.* Requests to present oral comments must be *in writing* (e-mail, fax or mail) and received by Dr. Kooyoomjian, no later than noon Eastern Time five business days prior to the meeting date (May 2, 2002, May 13, and June 11, 2002, respectively, for the three meetings). *See* below for information on public comments.

Members of the public desiring additional information about the meeting locations or the call-in number for the teleconference, should contact Ms. Renee Cooper, Acting Management Assistant, U.S. EPA, EPA Science Advisory Board (1400A), Suite 6450, 1200 Pennsylvania Avenue, NW, Washington, DC 20460; telephone/voice mail at (202) 564–2526; fax at (202) 501–0582; or via e-mail at *cooper.renee@epa.gov*.

A copy of the draft agenda for each meeting will be posted on the SAB Web site (*www.epa.gov/sab*) (under the AGENDAS subheading) approximately 10 days before that meeting.

Availability of Review Materials

There are two primary documents that are the subject of the review. The review documents are available electronically at the following site *http://www.epa.gov/swerrims/oswerdoc.htm.* For questions and information pertaining to the review documents, please contact Mr. David S. Nicholas, Policy Analysis and Regulatory Management Staff, Office of Solid Waste and Emergency Response (Mail Code 5103), U.S. Environmental Protection Agency, SE–306 Waterside Mall, 401 M St, SW, Washington, DC 20460; tel. (202) 260–4512, FAX (202) 401–1496, e-mail: *nicholas.david@epa.gov.* Mr. Nicholas will refer you to the appropriate contact for the particular issue of interest. The review document which is the subject of this review is cited as follows:

Approaches to Assessing the Benefits, Costs, and Impacts of the Office of Underground Storage Tanks Cleanup Program, Draft Report, Prepared for the U.S. Environmental Protection Agency, Office of Solid Waste, Prepared by Industrial Economics, Inc., October, 2000

Approaches to Assessing the Benefits, Costs, and Impacts of the RCRA Subtitle C Program, Draft Report, Prepared for the U.S. Environmental Protection Agency, Office of Solid Waste, Prepared by Industrial Economics, Inc., October, 2000

The above supporting documents are available for viewing at the OSWER Docket, located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The Docket Identification number is F–2002–USBN–FFFFF. The OSWER Docket is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling 703 603–9230. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost $0.15/page. The public can also contact the OSWER Docket by facsimile (703–603–9234), e-mail (*RCRA-Docket@epamail.epa.gov*). The postal address is OSWER Docket, 1200 Pennsylvania Avenue, NW, mailcode 5305G Washington, DC 20460.

Providing Oral or Written Comments at SAB Meetings

It is the policy of the EPA Science Advisory Board to accept written public comments of any length, and to accommodate oral public comments whenever possible. The EPA Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. *Oral Comments:* In general, each individual or group requesting an oral presentation at a face-to-face meeting will be limited to a total time of ten minutes (unless otherwise indicated). For teleconference meetings, opportunities for oral comment will usually be limited to no more than three

minutes per speaker and no more than fifteen minutes total. Deadlines for getting on the public speaker list for a meeting are given above. Speakers should bring at least 35 copies of their comments and presentation slides for distribution to the reviewers and public at the meeting. *Written Comments:* Although the SAB accepts written comments until the date of the meeting (unless otherwise stated), written comments should be received in the SAB Staff Office at least one week prior to the meeting date so that the comments may be made available to the review panel for their consideration. Comments should be supplied to the appropriate DFO at the address/contact information noted above in the following formats: One hard copy with original signature, and one electronic copy via e-mail (acceptable file format: Adobe Acrobat, WordPerfect, Word, or Rich Text files (in IBM–PC/Windows 95/98 format). Those providing written comments at the meeting are also asked to bring 35 copies of their comments for public distribution.

Meeting Access

Individuals requiring special accommodation at this meeting, including wheelchair access to the conference room, should contact Dr. Kooyoomjian at least five business days prior to the meeting so that appropriate arrangements can be made.

General Information

Additional information concerning the Science Advisory Board, its structure, function, and composition, may be found on the SAB Web site (*http://www.epa.gov/sab*) and in the *Science Advisory Board FY2001 Annual Staff Report* which is available from the SAB Publications Staff at (202) 564–4533 or via fax at (202) 501–0256.

Dated: April 15, 2002.

Donald G. Barnes,

Staff Director, EPA Science Advisory Board.

[FR Doc. 02–9791 Filed 4–19–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7174–7]

Clean Water Act Section 303(d): Availability of 11 Total Maximum Daily Loads (TMDLs) and Determinations That 4 TMDLs Are Not Needed

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability for comment of the administrative record file for 11 TMDLs and the calculations for these TMDLs prepared by EPA Region 6 for waters listed in the Calcasieu and Ouachita river basins, under section 303(d) of the Clean Water Act (CWA). These TMDLs were completed in response to the lawsuit styled *Sierra Club, et al.* versus *Clifford et al.,* No. 96–0527, (E.D. La.).

This notice also announces the availability for comment of EPA determinations that TMDLs are not needed for 4 waterbody/pollutant combinations in the Calcasieu and Ouachita river basins because new data show that water quality standards are being met or a TMDL previously has been approved. This proposed action would result in the removal of 4 waterbody/pollutant combinations from the Louisiana 303(d) list.

DATES: Comments must be submitted in writing to EPA on or before May 22, 2002.

ADDRESSES: Comments on the 11 TMDLs and the determinations that TMDLs are not needed for 4 waterbody/pollutant combinations should be sent to Ellen Caldwell, Environmental Protection Specialist, Water Quality Protection Division, U.S. Environmental Protection Agency Region 6, 1445 Ross Ave., Dallas, TX 75202–2733. For further information, contact Ellen Caldwell at (214) 665–7513. The administrative record file for these TMDLs and the determinations that TMDLs are not needed are available for public inspection at this address as well. Documents from the administrative record file may be viewed at *www.epa.gov/region6/water/tmdl.htm*, or obtained by calling or writing Ms. Caldwell at the above address. Please contact Ms. Caldwell to schedule an inspection.

FOR FURTHER INFORMATION CONTACT: Ellen Caldwell at (214) 665–7513.

SUPPLEMENTARY INFORMATION: In 1996, two Louisiana environmental groups, the Sierra Club and Louisiana Environmental Action Network (plaintiffs), filed a lawsuit in Federal Court against the United States Environmental Protection Agency (EPA), styled *Sierra Club, et al.* v. *Clifford et al.*, No. 96–0527, (E.D. La.). Among other claims, plaintiffs alleged that EPA failed to establish Louisiana TMDLs in a timely manner. EPA proposes these TMDLs and determinations that TMDLs are not necessary pursuant to a consent decree entered in this lawsuit.

EPA Seeks Comments on 11 TMDLs

By this notice EPA is seeking comment on the following 11 TMDLs for waters located within the Calcasieu and Ouachita river basins:

Subsegment	Waterbody name	Pollutant
080401	Bayou Bartholomew—Arkansas State Line to Dead Bayou (Lake Bartholomew) (Scenic).	Mercury.
080402	Bayou Bartholomew—Dead Bayou (Lake Bartholomew) to Ouachita River.	Mercury
080302	Black River—Corps of Engineers Control Structure to Red River	Organic enrichment/low DO.
081602	Little River—From Bear Creek to Catahoula Lake (Scenic)	Siltation.
080401	Bayou Bartholomew—Arkansas State line to Dead Bayou (Lake Bartholomew) (Scenic).	Suspended solids.
080202	Bayou Louis	Turbidity.
080401	Bayou Bartholomew—Arkansas State line to Dead Bayou (Lake Bartholomew) (Scenic).	Turbidity.
081002	Joe's Bayou—Headwaters to Bayou Macon	Turbidity.
081202	Lake St. Joseph (Oxbow Lake)	Turbidity.
081601	Little River—Confluence of Castor Creek and Dugdemona River to junction with Bear Creek (Scenic).	Turbidity.
081602	Little River—From Bear Creek to Catahoula Lake (Scenic)	Turbidity.

EPA Seeks Comments on Proposed Determinations That TMDLs for 4 Waterbody/Pollutant Combinations are not Needed Due to Assessment of New Data that Show They are Meeting WQS or a TMDL previously has been Approved:

Subsegment	Waterbody name	Pollutant
030201	Calcasieu River—Confluence with Marsh Bayou to Saltwater Barrier (Scenic).	Lead.
081401	Dugdemona River—Headwaters to junction with Big Creek	Nutrients.
081401	Dugdemona River—Headwaters to	Organic enrichment/low DO.
081503	Beaucoup Creek—Headwaters to Castor Creek	Organic enrichment/low DO (TMDL previously established).

EPA requests that the public provide any water quality related data and information that may be relevant to the calculations for these 11 TMDLs and any comments relevant to the 4 determinations that TMDLs are not needed. EPA will review all data and information submitted during the public comment period and revise the TMDLs and determinations where appropriate. EPA will then forward the TMDLs to the Louisiana Department of Environmental Quality (LDEQ). LDEQ will incorporate the TMDLs into its current water quality management plan. EPA also will revise the Louisiana 303(d) list as appropriate.

Dated: April 15, 2002.

Oscar Ramirez, Jr.,

Acting Director, Water Quality Protection Division, Region 6.

[FR Doc. 02–9790 Filed 4–19–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Emergency Alert System National Advisory Committee

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Federal Communications Commission will host the annual meeting of the Emergency Alert System National Advisory Committee (NAC) on May 10, 2002, at the FCC headquarters. The meeting will serve to advise the Commission on Emergency Alert System issues.

DATES: May 10, 2002, 9 a.m.–12 (noon).

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Commission Meeting Room, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Bonnie Gay, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554 (phone: (202) 418–1228) (fax: (202) 418–2817).

SUPPLEMENTARY INFORMATION: In 1994, the Federal Communications Commission (FCC) established the Emergency Alert System (EAS) to replace the Emergency Broadcast System (EBS). The EAS uses various Communications technologies to alert the public regarding national, state and local emergencies. The NAC was established to assist the FCC in administering EAS.

The general topic will be emergency communication matters relating to EAS.

Attendance at the NAC meeting is open to the public, but limited to space availability. Members of the general public may file a written statement with the FCC at the above contact address before or after the meeting. Members of the public wishing to make an oral statement during the meeting must consult with the NAC at the above FCC contact address prior to the meeting. Minutes of the meeting will be available after the meeting at the above contact address.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 02–9730 Filed 4–19–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission For OMB Review; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the FDIC gives notice that it plans to submit to the Office of Management and Budget (OMB) a request for OMB review and approval of the information collection system described below. The FDIC may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid control number.

DATES: Comments must be submitted on or before May 22, 2002.

ADDRESSES: You are invited to submit a comment to the OMB Reviewer or the FDIC. Please direct your comments as follows:

OMB: Alexander T. Hunt, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503.

FDIC: Thomas Nixon, Senior Program Attorney, Attention: Deposit Broker Processing, 550 17th Street, NW., Washington, DC 20429, (202) 898–8766. You may hand-deliver comments to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m. [FAX number (202) 898–3838. Internet address: *comments@fdic.gov*].

FOR FURTHER INFORMATION CONTACT: Thomas Nixon at the address listed above.

SUPPLEMENTARY INFORMATION:

Title: Deposit Broker Processing.

Estimate of Annual Burden:

Estimated number of respondents: 70.

Frequency of response: Occasional.

Estimated number of responses: 70.

Estimated average time per response: 2 hours.

Estimated total annual burden: 140 hours.

Further information: Information about this submission, including copies of the proposed collection of information, may be obtained by calling or writing the agency contact listed above.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 02–9764 Filed 4–19–02; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal

Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 6, 2002.

A. Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309–4470:

1. First Financial Fund, Inc., Newark, New Jersey; to retain voting shares of FirstFed Bancorp, Inc., Bessemer, Alabama, and thereby indirectly retain voting shares of First Financial Bank, Bessemer, Alabama.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166–2034:

1. Douglas A. Habig, Jasper, Indiana; to retain voting shares of SVB&T Corporation, French Lick, Indiana, and thereby indirectly retain voting shares of Springs Valley Bank & Trust Company, French Lick, Indiana.

Board of Governors of the Federal Reserve System, April 16, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–9698 Filed 4–19–02; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 16, 2002.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045–0001:

1. Norcrown Bancorp, Livingston, New Jersey; to become a bank holding company by acquiring 100 percent of the voting shares of Norcrown Bank, Livingston, New Jersey.

Board of Governors of the Federal Reserve System, April 16, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–9699 Filed 4–19–02; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committee for Pharmaceutical Science; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Advisory Committee for Pharmaceutical Science.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on May 7 and 8, 2002, from 8:30 a.m. to 5 p.m.

Location: Center for Drug Evaluation and Research Advisory Committee Conference Room, rm. 1066, 5630 Fishers Lane, Rockville, MD.

Contact Person: Kathleen Reedy or Jayne Peterson, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane (for express delivery, 5630 Fishers Lane, rm. 1093), Rockville, MD 20857, 301–827–7001, or e-mail REEDYK@cder.fda.gov, or PETERSONJ@cder.fda.gov, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12539. Please call the Information Line for up-to-date information on this meeting.

Agenda: On May 7, 2002, the committee will: (1) Discuss the current status of, and future plans for, the draft FDA guidance entitled ''Guidance for Industry, Food-Effect Bioavailability and Fed Bioequivalence Studies: Study Design, Data Analysis, and Labeling'' (see the FDA Internet address www.fda.gov/cder/guidance/4613dft.PDF under ''Biopharmaceutics (Draft) Guidances''); (2) discuss and provide comments on the biopharmaceutic classification system; and (3) discuss and provide direction for future subcommittees. On May 8, 2002, the committee will: (1) Receive summary reports and provide direction for the Process Analytical Technology Subcommittee; (2) discuss and provide comments on regulatory issues related to crystal habits-polymorphism; (3) discuss problems and provide comments to form a scientific basis for establishment of acceptance limits for microbiological tests that use newly developed technologies that do not rely on colony counts and their application as process controls and product release criteria; and (4) discuss the current status of, and future plans for, the draft FDA guidance entitled ''Guidance for Industry, ANDAs: Blend Uniformity Analysis'' (see FDA Internet address www.fda.gov/cder/guidance/2882dft.PDF under ''Generics (Draft) Guidances'').

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by April 26, 2002. Oral presentations from the public will be scheduled between approximately 11:30 a.m. to 12:30 p.m. on both days. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before April 26, 2002, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee

meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Kathleen Reedy or Jayne Peterson at least 7 days in advance of the meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C., app. 2).

Dated: April 11, 2002.

Linda A. Suydam,

Senior Associate Commissioner for Communications and Constituent Relations.

[FR Doc. 02–9734 Filed 4–19–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 02D–0080]

Draft ''Guidance for Industry: Streamlining the Donor Interview Process: Recommendations for Self-Administered Questionnaires;'' Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance document entitled ''Guidance for Industry: Streamlining the Donor Interview Process: Recommendations for Self-Administered Questionnaires'' dated April 2002. The draft document, when finalized, is intended to provide guidance to blood and plasma collection centers on the recommendations of FDA for implementing self-administered donor questionnaires at the predonation donor screening interview. The draft guidance document also describes the information to be included in a biologics license application supplement or annual report for the implemented changes.

DATES: Submit written or electronic comments on the draft guidance document to ensure their adequate consideration in preparation of the final document by June 21, 2002. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies of the draft guidance document to the Office of Communication, Training, and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist the office in processing your requests. The document may also be obtained by mail by calling the CBER Voice Information System at 1–800–835–4709 or 301–827–1800, or by fax by calling the FAX Information System at 1–888–CBER–FAX or 301–827–3844. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit written comments on the draft guidance document to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to http://www.fda.gov/dockets/ecomments.

FOR FURTHER INFORMATION CONTACT: Michael D. Anderson, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance document entitled ''Guidance for Industry: Streamlining the Donor Interview Process: Recommendations for Self-Administered Questionnaires'' dated April 2002. The draft guidance document, when finalized, is intended to provide recommendations to the blood and plasma collection centers on the changes from the current predonation donor screening interview procedure to a self-administered format. The draft guidance document also describes the information to be included in a biologics license application supplement or annual report for the implemented changes. The draft guidance document does not address the informed consent process or specific screening questions, a specific questionnaire, or how to submit changes to the questions on a currently approved questionnaire.

The draft guidance document is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance document represents the agency's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

The draft guidance document is being distributed for comment purposes only and is not intended for implementation at this time. Interested persons may submit to the Dockets Management Branch (address above) written or electronic comments regarding this draft guidance document and on the collection of information. Submit written or electronic comments to ensure adequate consideration in preparation of the final document by June 21, 2002. Two copies of any comments are to be submitted, except individuals may submit one copy. Comments should be identified with the docket number found in the brackets in the heading of this document. A copy of the document and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain the document at http://www.fda.gov/cber/guidelines.htm or http://www.fda.gov/ohrms/dockets/default.htm.

Dated: March 12, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02–9687 Filed 4–19–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection

of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Opioid Drugs in Maintenance and Detoxification Treatment of Opioid Dependence—42 CFR part 8 (OMB No. 0930–0206, Revision)—This regulation establishes a certification program managed by SAMHSA's Center for Substance Abuse Treatment (CSAT). The regulation requires that Opioid Treatment Programs (OTPs) be certified. ''Certification'' is the process by which SAMHSA determines that an OTP is qualified to provide opioid treatment under the Federal opioid treatment standards established by the Secretary of Health and Human Services. To become certified, an OTP must be accredited by a SAMHSA-approved accreditation body. The regulation also provides standards for such services as individualized treatment planning, increased medical supervision, and assessment of patient outcomes. This submission will seek continued approval of the information collection requirements in the regulation and of three forms used in implementing the regulation.

SAMHSA currently has approval for the Application for Certification to Use Opioid Drugs in a Treatment Program Under 42 CFR 8.11 (Form SMA–162) and the Application for Approval as Accreditation Body Under 42 CFR 8.3(b) (Form SMA–163). SAMHSA plans to also seek approval of a new form that has been developed at the request of the treatment field, the Exception Request and Record of Justification Under 42 CFR 8.12 (Form SMA–168), which may be used on a voluntary basis by physicians when there is a patient care situation in which the physician must make a treatment decision that differs from the treatment regimen required by the regulation. This is a simplified, standardized form to facilitate the documentation, request, and approval process for exceptions. The tables that follow summarize the annual reporting burden associated with the regulation, including burden associated with the forms.

ESTIMATED ANNUAL REPORTING REQUIREMENT BURDEN FOR ACCREDITATION BODIES

42 CFR citation	Purpose	Number of respondents	Responses/ respondent	Hours/ response	Total hours
8.3(b)(1–11)	Initial approval (SMA–163)	3	1	3.0	9.0
8.3(c)	Renewal of approval (SMA–163)	2	1	1.0	2.0
8.3(e)	Relinquishment notification	1	1	0.5	0.5
8.3(f)(2)	Non-renewal notification to accredited OTP's	1	90	0.1	9.0
8.4(b)(1)(ii)	Notification to SAMHSA for seriously noncompliant programs.	2	2	1.0	4.0
8.4(b)(1)(iii)	Notification to OTP for serious noncompliance	2	2	1.0	4.0
8.4(d)(1)	General documents and information to SAMHSA upon request.	7	4	0.5	14.0
8.4(d)(2)	Accreditation survey to SAMHSA upon request	7	50	0.02	7.0
8.4(d)(3)	List of surveys, surveyors to SAMHSA upon request	7	6	0.2	8.4
8.4(d)(4)	Report of less than full accreditation to SAMHSA	7	2.5	0.5	8.75
8.4(d)(5)	Summaries of Inspections	7	50	0.5	175.0
8.4(e)	Notifications of Complaints	7	5	0.5	17.5
8.6(a)(2) and (b)(3)	Revocation notification to Accredited OTP's	1	50	0.3	15.0
8.6(b)	Submission of 90-day Corrective plan to SAMHSA	1	1	10	10.0
8.6(b)(1)	Notification to accredited OTP's of Probationary Status	1	50	0.3	15.0
Total		10			299

ESTIMATED ANNUAL REPORTING REQUIREMENT BURDEN FOR OPIOID TREATMENT PROGRAMS

42 CFR Citation	Purpose	Number of respondents	Responses/ respondent	Hours/ response	Total hours
8.11(b)	New programs approval (SMA–162)	75	1	1.50	112.50
8.11(b)	Renewal of approval (SMA–162)	350	1	1.00	350.00
8.11(b)	Relocation of Program (SMA–162)	35	1	1.17	40.95
8.11(d)	Application for transitional certification (SMA–162)*	7	1	1.58	11.06
8.11(e)(1)	Application for provisional certification	75	1	1	75.00
8.11(e)(2)	Application for extension of provisional certification	30	1	.25	7.50
8.11(f)(5)	Notification of sponsor or medical director change (SMA–162).	60	1	.2	12.00
8.11(g)(2)	Documentation to SAMHSA for interim maintenance	1	1	1	1.00
8.11(h)	Request to SAMHSA for Exemption from 8.11 and 8.12 (SMA–168).	800	3	.417	1000.80
8.11(i)(1)	Notification to SAMHSA Before Establishing Medication Units (SMA–162).	3	1	.25	.75
8.12(j)(2)	Notification to State Health Officer When Patient Begins Interim Maintenance.	1	20	.33	6.6
8.24	Contents of Appellant Request for Review of Suspension.	2	1	.25	.50
8.25(a)	Informal Review Request	2	1	1.00	2.00
8.26(a)	Appellant's Review File and Written Statement	2	1	5.00	10.00
8.28(a)	Appellant's Request for Expedited Review	2	1	1.00	2.00

ESTIMATED ANNUAL REPORTING REQUIREMENT BURDEN FOR OPIOID TREATMENT PROGRAMS—Continued

42 CFR Citation	Purpose	Number of respondents	Responses/ respondent	Hours/ response	Total hours
8.28 (c)	Appellant Review File and Written Statement	2	1	5.00	10.00
Total		1,100			1,643

*This is a one-time requirement that will be fully met during the first three years of approval for the final rule.

SAMHSA believes that the recordkeeping requirements in the regulation are customary and usual practices within the medical and rehabilitative communities and has not calculated a response burden for them. The recordkeeping requirements set forth in 42 CFR 8.4, 8.11 and 8.12 include maintenance of the following: 5-year retention by accreditation bodies of certain records pertaining to accreditation; documentation by an OTP of the following: a patient's medical examination when admitted to treatment, a patient's history, a treatment plan, any prenatal support provided the patient, justification of unusually large initial doses, changes in a patient's dosage schedule, justification of unusually large daily doses, the rationale for decreasing a patient's clinic attendance, and documentation of physiologic dependence.

The rule also includes requirements that OTPs and accreditation organizations disclose information. For example, 42 CFR 8.12(e)(1) requires that a physician explain the facts concerning the use of opioid drug treatment to each patient. This type of disclosure is considered to be consistent with the common medical practice and is not considered an additional burden. Further, the rule requires, under § 8.4(i)(1) that accreditation organizations shall make public their fee structure; this type of disclosure is standard business practice and is not considered a burden.

Send comments to Nancy Pearce, SAMHSA Reports Clearance Officer, Room 16–105, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice

Dated: April 16, 2002.

Richard Kopanda,

Executive Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 02–9725 Filed 4–19–02; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a list of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

An Assessment of the Status of PASRR and Mental Health Services for Persons in Nursing Facilities—New—SAMHSA's Center for Mental Health Services, in conjunction with the Centers for Medicare and Medicaid Services (CMS), is sponsoring an assessment of the effectiveness of the Pre-Admission Screening and Resident Review (PASRR) program, which is a required component of every State's Medicaid plan. Data will be collected from State Medicaid and Mental Health Authority administrators in 50 states and the District of Columbia as well as administrators and staff in 24 nursing facilities in 4 states (6 facilities per state). In addition, data will be collected from 100 residents in nursing facilities in 2 of the states. Data collection for this study will be conducted over an 8-month period. SAMHSA will use study findings to develop training opportunities for State agencies responsible for overseeing the placement and treatment of people with mental health needs in nursing facilities and by CMS to address specific recommendations of a recent report from the Office of the Inspector General.

Variables of interest for Medicaid Agencies, Mental Health Authorities, and nursing facilities include the following: availability of mental health services; change in condition procedures; alternative placement procedures; and experience with PASRR. Variables of interest for the nursing facility residents include: mental health symptomatology, functioning, and mental health service access. Data will be entered and managed electronically. The total respondent burden is estimated below.

Respondent	Number of respondents	Responses/respondent	Burden/ response (hrs.)	Total burden (hrs.)
Medicaid Administrator	51	1	1	51
Mental Health Authority Administrator	51	1	1	51
Nursing Facility Resident	100	1	.5	50
Nursing Facility Administrator	24	1	1	24
Nursing Facility Staff	48	1	1	48
Total	274			224

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Lauren Wittenberg, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: April 15, 2002.

Richard Kopanda,

Executive Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 02–9726 Filed 4–19–02; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Center for Substance Abuse Prevention (CSAP) National Advisory Council in April 2002.

The agenda of the open meeting will include the Center for Substance Abuse Prevention's Director's Report, the SAMHSA Administrator's Report, Council discussion and administrative matters and announcements. Public comments are welcome.

A summary of this meeting and a roster of committee members may be obtained from Carol Watkins, Committee Management Specialist, Rockwall II Building, 5600 Fishers Lane, 9th Floor, Suite 900, Rockville, Maryland 20857, Telephone: (301) 443–9542.

Substantive program information may be obtained from the contact person listed below. If anyone needs special accommodations for persons with disabilities, please notify the contact listed below.

Committee Name: Center for Substance Abuse Prevention National Advisory Council.

Meeting Date: Tuesday, April 30, 2002.

Meeting Place: Crowne Plaza Hotel, 100 North First Street, Phoenix, Arizona.

Open: April 30, 2002; 2:15 to 5 p.m.

Contact: Carol Watkins, Committee Management Specialist, 5600 Fishers Lane, Rockwall II Building, Suite 900, Rockville, Maryland 20857. Telephone: (301) 443–9542.

Dated: April 15, 2002.

Toian Vaughn,

Executive Secretary/Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 02–9688 Filed 4–19–02; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4734–N–15]

Notice of Submission of Proposed, Information Collection to OMB; Loan Guarantees for Indian Housing

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:* May 22, 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 (2577–0200) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Officer of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503; Fax number (202) 395–6974; e-mail *Joseph_F._Lackey_Jr.@OMB.EOP.GOV.*

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, QDAM, 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: Loan Guarantees for Indian Housing.

OMB approval Number: 2577–0200.

Form Numbers: HUD–53036 and HUD–53038.

Description of the Need for the Information and Its Proposed Use: Information collected determines if the Department will guarantee loans and mortgage insurance made by private lenders to Native American borrowers on restricted land.

Respondents: Business or other for-profit, State, Local or Tribal Government.

Frequency of Submission: On occasion.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting burden	250	1		.18		46

Total Estimated Burden Hours: 46.

Status: Reinstatement, without changes, of a previously approved collection for which approval expired.

Authority: Section 3507 of the Paperwork Reduction Act of 1994, 44 U.S.C. 35, as amended.

Dated: April 12, 2002.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 02–9713 Filed 4–19–02; 8:45 am]

BILLING CODE 4210–72–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4734–N–16]

Notice of Submission of Proposed Information Collection to OMB; Guaranty of Mortgage-Backed Securities

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:* May 22, 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 (2503–0016) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503; Fax number (202) 395–6974; e-mail *Joseph_F._Lackey_ Jr@OMB.EOP.GOV.*

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, QDAM, 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 revisioin 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: Guaranty of Mortgage-Backed Securities.

OMB Approval Number: 2503–0016.

Form Numbers: HUD–11700, HUD–11702 and HUD–11707.

Description of the Need for the Information and Its Proposed Use: Information guarantees the timely payment of principal and interest on securities based on a pool composed of mortgages insured by the Federal Housing Administration.

Respondents: Business or other for-profit, State, Local or Tribal Government.

Frequency of Submission: On occasion.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden	275	4		.17		187

Total Estimated Burden Hours: 187

Status: Extension of a currently approved collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: April 16, 2002.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 02–9714 Filed 4–19–02; 8:45 am]

BILLING CODE 4210–72–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4463–N–10]

Mortgage and Loan Insurance Programs Under the National Housing Act—Debenture Interest Rates

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice of change in debenture interest rates.

SUMMARY: This notice announces changes in the interest rates to be paid on debentures issued with respect to a loan or mortgage insured by the Federal Housing Commissioner under the provisions of the National Housing Act (the ''Act''). The interest rate for debentures issued under section 221(g)(4) of the Act during the 6-month period beginning January 1, 2002, is 6⅜ percent. The interest rate for debentures issued under any other provision of the Act is the rate in effect on the date that the commitment to insure the loan or mortgage was issued, or the date that the loan or mortgage was endorsed (or initially endorsed if there are two or more endorsements) for insurance, whichever rate is higher. The interest rate for debentures issued under these other provisions with respect to a loan or mortgage committed or endorsed during the 6-month period beginning January 1, 2002, is 5¼ percent.

FOR FURTHER INFORMATION CONTACT: James B. Mitchell, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Room 6164, Washington, DC 20410. Telephone (202) 708–3944, extension 2612, or TDD (202) 708–4594 for hearing- or speech-impaired callers. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Section 224 of the National Housing Act (24 U.S.C. 1715o) provides that debentures

issued under the Act with respect to an insured loan or mortgage (except for debentures issued pursuant to section 221(g)(4) of the Act) will bear interest at the rate in effect on the date the commitment to insure the loan or mortgage was issued, or the date the loan or mortgage was endorsed (or initially endorsed if there are two or more endorsements) for insurance, whichever rate is higher. This provision is implemented in HUD's regulations at 24 CFR 203.405, 203.479, 207.259(e)(6), and 220.830. These regulatory provisions state that the applicable rates of interest will be published twice each year as a notice in the **Federal Register**.

Section 224 further provides that the interest rate on these debentures will be set from time to time by the Secretary of HUD, with the approval of the Secretary of the Treasury, in an amount not in excess of the annual interest rate determined by the Secretary of the Treasury pursuant to a satisfactory formula based on the average yield of all outstanding marketable Treasury obligations of maturities of 15 or more years.

The Secretary of the Treasury (1) has determined, in accordance with the provisions of Section 224, that the statutory maximum interest rate for the period beginning January 1, 2002, is 5 ¼ percent; and (2) has approved the establishment of the debenture interest rate by the Secretary of HUD at 5¼ percent for the 6-month period beginning January 1, 2002. This interest rate will be the rate borne by debentures issued with respect to any insured loan or mortgage (except for debentures issued pursuant to Section 221(g)(4)) with insurance commitment or endorsement date (as applicable) within the first 6 months of 2002.

For convenience of reference, HUD is publishing the following chart of debenture interest rates applicable to mortgages committed or endorsed since January 1, 1980:

Effective interest rate	on or after	prior to
9½	Jan. 1, 1980	July 1, 1980.
9⅞	July 1, 1980	Jan. 1, 1981.
11¾	Jan. 1, 1981	July 1, 1981.
12⅞	July 1, 1981	Jan. 1, 1982.
12¾	Jan. 1, 1982	Jan. 1, 1983.
10¼	Jan. 1, 1983	July 1, 1983.
10⅜	July 1, 1983	Jan. 1, 1984.
11½	Jan. 1, 1984	July 1, 1984.
13⅜	July 1, 1984	Jan. 1, 1985.
11⅝	Jan. 1, 1985	July 1, 1985.
11⅛	July 1, 1985	Jan. 1, 1986.
10¼	Jan. 1, 1986	July 1, 1986.
8¼	July 1, 1986	Jan. 1, 1987.
8	Jan. 1, 1987	July 1, 1987.
9	July 1, 1987	Jan. 1, 1988.
9⅛	Jan. 1, 1988	July 1, 1988.
9⅜	July 1, 1988	Jan. 1, 1989.
9¼	Jan. 1, 1989	July 1, 1989.
9	July 1, 1989	Jan. 1, 1990.
8⅛	Jan. 1, 1990	July 1, 1990.
9	July 1, 1990	Jan. 1, 1991.
8¾	Jan. 1, 1991	July 1, 1991.
8½	July 1, 1991	Jan. 1, 1992.
8	Jan. 1, 1992	July 1, 1992.
8	July 1, 1992	Jan. 1, 1993.
7¾	Jan. 1, 1993	July 1, 1993.
7	July 1, 1993	Jan. 1, 1994.
6⅝	Jan. 1, 1994	July 1, 1994.
7¾	July 1, 1994	Jan. 1, 1995.
8⅜	Jan. 1, 1995	July 1, 1995.
7¼	July 1, 1995	Jan. 1, 1996.
6½	Jan. 1, 1996	July 1, 1996.
7¼	July 1, 1996	Jan. 1, 1997.
6¾	Jan. 1, 1997	July 1, 1997.
7⅛	July 1, 1997	Jan. 1, 1998.
6⅜	Jan. 1, 1998	July 1, 1998.
6⅛	July 1, 1998	Jan. 1, 1999.
5½	Jan. 1, 1999	July 1, 1999.
6⅛	July 1, 1999	Jan. 1, 2000.
6½	Jan. 1, 2000	July 1, 2000.
6½	July 1, 2000	Jan. 1, 2001.
6	Jan. 1, 2001	July 1, 2001.
5⅞	July 1, 2001	Jan. 1, 2002.
5¼	Jan. 1, 2002	July 1, 2002.

Section 221(g)(4) of the Act provides that debentures issued pursuant to that paragraph (with respect to the assignment of an insured mortgage to the Secretary) will bear interest at the ''going Federal rate'' in effect at the time the debentures are issued. The term ''going Federal rate'' is defined to mean the interest rate that the Secretary of the Treasury determines, pursuant to a statutory formula based on the average yield on all outstanding marketable Treasury obligations of 8- to 12-year maturities, for the 6-month periods of January through June and July through December of each year. Section 221(g)(4) is implemented in the HUD regulations at 24 CFR 221.790.

The Secretary of the Treasury has determined that the interest rate to be borne by debentures issued pursuant to Section 221(g)(4) during the 6-month period beginning January 1, 2002, is 6⅜ percent.

HUD expects to publish its next notice of change in debenture interest rates in June 2002.

The subject matter of this notice falls within the categorical exemption from HUD's environmental clearance procedures set forth in 24 CFR 50.19(c)(6). For that reason, no environmental finding has been prepared for this notice.

(Sections 211, 221, 224, National Housing Act, 12 U.S.C. 1715b, 1715*l*, 1715o; Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d)).

Dated: March 12, 2002.

John C. Weicher,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 02–9712 Filed 4–19–02; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Revised Notice of Intent To Prepare a Comprehensive Conservation Plan and Associated Environmental Impact Statement for the South San Diego Bay Unit of the San Diego National Wildlife Refuge and the Sweetwater Marsh National Wildlife Refuge, San Diego County, CA.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Revised notice of intent.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), this Notice advises other agencies, Tribes, and the public that the U.S. Fish and Wildlife Service (Service) intends to prepare an Environmental Impact Statement (EIS) related to the Comprehensive Conservation Plan (CCP) for the South San Diego Bay Unit of the San Diego National Wildlife Refuge (NWR) and Sweetwater Marsh NWR. In this EIS, the Service will describe and evaluate a range of reasonable alternatives and the anticipated impacts of each. This information will be utilized in the draft CCP for the South San Diego Bay Unit of the San Diego NWR and Sweetwater Marsh NWR.

This Notice revises the Notice of June 23, 2000 (65 FR 39172). At that time, the Service had not yet determined whether an Environmental Assessment or EIS would be prepared. Based on information gathered and analyses conducted to date, and pursuant to NEPA guidance, the Service has since determined that an EIS will be prepared, and this Notice serves to announce that intention.

The original Notice announced two public scoping meetings and the opening of the public scoping comment period, which opened June 23, 2000, and closed July 31, 2000. Additional opportunities for public input were provided at five subsequent public workshops held since August 2000. This Notice does not re-open the public scoping comment period, as the only change since its publication has been the Service's decision to proceed with an EIS for this CCP. When the draft CCP and associated draft EIS are completed

and made available, expected to occur in late spring 2002, the public will have additional opportunities to provide comments to the Service.

SUPPLEMENTARY INFORMATION:

Background

By Federal law, all lands within the National Wildlife Refuge System are to be managed in accordance with an approved CCP (16 U.S.C. 668dd-668ee). A CCP describes the desired future conditions of the refuge and provides long-range guidance and management direction to accomplish the purposes of the refuge, contribute to the mission of the National Wildlife Refuge System, and meet other relevant mandates. Additional goals of the CCP process include: (1) Conducting refuge planning in accordance with an ecosystem approach; (2) providing a forum for the public to comment on the type, extent, and compatibility of wildlife-dependent and other uses within the refuge area; (3) ensuring public involvement in refuge management decisions by providing a process for effective coordination, interaction, and cooperation with affected parties; (4) utilizing the best available science and sound professional judgement; and (5) ensuring that the six priority uses (hunting, fishing, wildlife observation, wildlife photography, environmental education, and interpretation) receive priority consideration during CCP preparation. Some of the topics to be addressed in the CCP include: wildlife and habitat management, habitat restoration, public use, and operation of a solar salt production facility.

Review of the CCP and associated EIS will be conducted in accordance with the requirements of the National Wildlife Refuge System Administration Act, as amended (16 U.S.C. 668dd-668ee), NEPA (42 U.S.C. 4321 *et seq.*), Federal regulations for implementing NEPA (40 CFR parts 1500–1508), other appropriate Federal laws and regulations, and Service policies and procedures for compliance with those regulations.

Refuge Information

The South San Diego Bay Unit of the San Diego NWR is located at the southern end of San Diego Bay in the Cities of Chula Vista, National City, San Diego, Coronado, and Imperial Beach, California. This Refuge supports a variety of habitats including open water, mudflats, coastal saltmarsh, and uplands. These habitats provide important feeding, resting, and nesting areas for thousands of migrating shorebirds, colonial nesting seabirds, wintering sea ducks, and other migratory waterfowl. In addition, the Refuge supports three Federally endangered bird species (California Least Tern, California Brown Pelican, and Light-footed Clapper Rail), a Federally endangered plant species (salt marsh bird's beak), the Federally threatened Western Snowy Plover and Pacific Green Sea Turtle, and the Belding's Savannah Sparrow, a bird species listed as endangered by the State of California. Included within the Refuge boundary is a solar salt production operation that maintains about 1,050 acres of salt ponds. These ponds provide large amounts of food in the form of brine shrimp, brine flies, and other brine invertebrates, all of which are particularly important for shorebirds and seabirds.

The Sweetwater Marsh NWR is located in the southeast end of San Diego Bay in the Cities of Chula Vista and National City, California. This Refuge, which includes 316 acres of salt marsh and coastal uplands, provides habitat for two Federally endangered bird species (California Least Tern and Light-footed Clapper Rail), a Federally endangered plant species (salt marsh bird's beak), the Federally threatened Western Snowy Plover, and the State endangered Belding's Savannah Sparrow. Sweetwater Marsh functions as an essential link between the habitats in the region's Multiple Species Conservation Program wildlands, the South San Diego Bay Unit of the San Diego NWR, and the Tijuana Slough NWR in Imperial Beach, California.

FOR FURTHER INFORMATION CONTACT: Victoria Touchstone, CCP Project Planner, at (619) 691–1185.

Dated: April 12, 2002.

D. Kenneth McDermond,

Deputy Manager, California/Nevada Operations Office, Fish and Wildlife Service, Sacramento, California.

[FR Doc. 02–9727 Filed 4–19–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–027–1220–PG; G2–0099]

Steens Mountain Advisory Council, Call for Nominations

AGENCY: Bureau of Land Management (BLM), Burns District, Interior.

ACTION: Call for nominations for the Steens Mountain Advisory Council (SMAC).

SUMMARY: BLM is publishing this notice under Section 9(a)(2) of the Federal Advisory Committee Act. Pursuant to the Steens Mountain Cooperative Management and Protection Act of 2000 (Public Law 106–399), BLM gives notice that the Secretary of the Interior is calling for nominations for vacating positions to the SMAC. This notice requests the public to submit nominations for membership on the SMAC.

Any individual or organization may nominate one or more persons to serve on the SMAC. Individuals may nominate themselves for SMAC membership. Nomination forms may be obtained from the Burns District Office, Bureau of Land Management (see address below). To make a nomination, submit a completed nomination form, letter of reference from the represented interest or organizations, as well as any other information that speaks to the nominee's qualifications, to the Burns District Office. Nominations may be made for the following categories of interest:

- One person who is a grazing permittee on Federal land in the Steens Mountain Cooperative Management and Protection Area (CMPA) (appointed from nominees submitted by the County Court of Harney County);
- One person who is a recognized environmental representative from the local area (appointed from nominees submitted by the Governor of Oregon);
- A person who participates in what is commonly called dispersed recreation, such as hiking, camping, nature viewing, nature photography, bird watching, horseback riding, or trail walking (appointed from nominees submitted by the Oregon State Director of the BLM);
- A person with expertise and interest in wild horse management on Steens Mountain (appointed from nominees submitted by the Oregon State Director for BLM); and
- A person who has no financial interest in the CMPA to represent Statewide interests (appointed from nominees submitted by the Governor of Oregon).

The specific category the nominee will represent should be identified in the letter of nomination. The Burns District will collect the nomination forms and letters of reference and distribute them to the officials responsible for submitted nominations (County Court of Harney County, the Governor of Oregon, and BLM). BLM will then forward recommended nominations to the Secretary of the Interior, who has responsibility for making the appointments.

DATES: Nominations should be submitted to the address listed below no

later than 30 days after publication of this notice.

FOR FURTHER INFORMATION CONTACT: Rhonda Karges, Management Support Specialist, Burns District Office, 28910 Hwy 20 West, Hines, Oregon 97738, (541) 573–4433, or *Rhonda_Karges@or.blm.gov* or from the following web sites *http://www.or.blm.gov/Burns* or *http://www.or.blm.gov/steens* (Public Law 106–399 in its entirety can be found on the Steens web site as previously sited.)

SUPPLEMENTARY INFORMATION: The purpose of the SMAC is to advise BLM on the management of the CMPA as described in Title 1 of Public Law 106–399. Each member will be a person who, as a result of training and experience, has knowledge or special expertise which qualifies him or her to provide advice from among the categories of interest listed above.

Members of the SMAC are appointed for terms of 3 years, except that, of the members first appointed, four members were appointed for a term of 1-year and four members were appointed a term of 2 years. The wild horse, dispersed recreation, local environmentalist, and grazing permittee positions were all 1-year terms and will expire August 2002. These four positions will all be replaced with 3-year terms, and will begin no earlier than August 2002. The no financial interest position was a 3-year term. The member of this position has resigned; therefore, the newly-appointed member will complete the existing 3-year term. This appointment will begin upon appointment and will expire August 2004.

Members will serve without monetary compensation, but will be reimbursed for travel and per diem expenses at current rates for government employees. The SMAC shall meet only at the call of the Designated Federal Official, but not less than once per year.

Dated: February 7, 2002.

Miles R. Brown,

Designated Federal Official, Bureau of Land Management.

[FR Doc. 02–9701 Filed 4–19–02; 8:45 am]

BILLING CODE 4310–$$–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–330–02–1610–00]

Notice of Availability of the Headwaters Forest Reserve Draft Resource Management Plan/ Environmental Impact Statement/ Environmental Impact Report

AGENCY: Bureau of Land Management, Arcata Field Office, and the California Department of Fish and Game.

ACTION: Notice of availability of the Headwaters Forest Reserve Draft Resource Management Plan/ Environmental Impact Statement/ Environmental Impact Report.

SUMMARY: The Bureau of Land Management (BLM), and the California Department of Fish and Game (DFG), have prepared A Draft Resource Management Plan (RMP) and a Draft Environmental Impact Statement/ Environmental Impact Report (DEIS/DEIR) for the Headwaters Forest Reserve located in Humboldt County, California. The Draft RMP and DEIS/DEIR comply with the National Environmental Policy Act (NEPA), California Environmental Quality Act (CEQA), Federal Land Policy and Management Act (FLPMA), the act authorizing the acquisition of the Headwaters Forest Reserve (H.R. 2107), and BLM and DFG management policies. The Draft RMP and DEIS/DEIR were developed with broad public participation in a scoping process which included three public meetings held in Eureka, Sacramento, and San Francisco, California. The Draft RMP and DEIS/DEIR provide for a range of alternatives reflecting public input for management direction for the Headwaters Forest Reserve. Management is addressed on approximately 7,500 acres of public land with a state interest in the form of a conservation easement over the reserve held by the State of California and managed by the California Department of Fish and Game. Issues raised by the public and addressed in the Draft RMP and DEIS/DEIR include balancing preservation of old-growth forest ecosystems and threatened and endangered species with public recreation access, extent of trail access to or within old-growth groves, types of uses of a trail system, management of traffic impacts to local residents adjacent to the reserve, appropriate levels of watershed and forest restoration, and access of disabled and elderly to old-growth forest. H.R. 2107 provided specific planning direction to address scientific research on forests, fish, wildlife and other such activities that shall be fostered and permitted, providing recreation opportunities, access, construction of minimal necessary facilities so as to maintain the ecological integrity, other management needs, and annual budget. Special designations include Wilderness Study Area, Wild and Scenic River eligibility and suitability, Area of Critical Environmental Concern/Research Natural Area, and Ecological Reserve (State of California designation). The action alternatives were prepared in accordance with applicable planning procedures.

DATES: Public comments must be received on or before July 22, 2002. Three public meetings will be held to solicit input on the draft: Eureka, CA: May 7, 2002; San Francisco, CA, May 14, 2002; and Sacramento, CA, May 15, 2002.

Comments on the DEIS/DEIR

Public comments may be submitted during the public meetings or in writing to the addresses provided below. Written comments on the Headwaters Forest Reserve draft plan/DEIS/DEIR will be considered in preparing the final RMP and EIS/EIR. Comments on the contents of this document are being solicited, particularly comments that address one or more of the following: (1) New information that would affect the analysis; (2) possible improvements in the analysis; and (3) suggestions for improving or clarifying the proposed management direction. Specific comments are most useful. Please note that comments, including names and street addresses of respondents, are available for public review and/or release under the Freedom of Information Act (FOIA). Individual respondents may request confidentiality. If you wish to withhold your name and/or street address from public review or from disclosure under FOIA, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

ADDRESSES: Copies of the Headwaters Forest Reserve Draft Management Plan/ Environmental Impact Statement/ Environmental Impact Report may be obtained from the following Bureau of Land Management Locations: BLM, Arcata Field Office, 1695 Heindon Road, Arcata, CA 95521, telephone (707) 825–

2300; BLM, California State Office, 2800 Cottage Way, Room W–1834, Sacramento, CA 95825, telephone (916) 978–4400; requested by mail at Headwaters Forest Reserve, PO Box 189445, Sacramento, CA 95818–9445, telephone (916) 737–3010 ext. 4326 or (707) 269–2053; requested by e-mail at *headwatersplan@att.net*. The plan/DEIS/DEIR is available for viewing at *www.ca.blm.gov/arcata/headwaters.html*.

BLM and DFG will accept oral and written comments, discuss management alternatives, and answer questions pertaining to the draft plan/DEIS/DEIR in three public open house meetings:

Eureka, California: Eureka Inn, 518 7th Street, Eureka, California;

San Francisco, California: Fort mason, Landmark Building A, San Francisco, California;

Sacramento, California: Scottich Rite Memorial Center, 6151 H Street, Sacramento, California.

Comments may be submitted by mail to Headwaters Forest Reserve, PO Box 189445, Sacramento, CA 95818–9445 or by e-mail to *headwatersplan@att.net*.

FOR FURTHER INFORMATION CONTACT: Headwaters Forest Reserve Management Plan Information Line, (916) 737–3010, ext. 4326; Karen Kovacs, California Department of Fish and Game, (707) 441–5789; Lynda Roush, Bureau of Land Management, (707) 825–2300.

SUPPLEMENTARY INFORMATION: The Headwaters Forest Reserve was acquired by the Secretary of Interior and State of California on March 1, 1999 as a culmination of a comprehensive agreement of 1996, the Headwaters Agreement, between the Department of Interior, State of California, and the Pacific Lumber Company (PALCO), for the transfer of approximately 7,500 acres of old-growth and young-growth timber stands and associated buffers in a reserve, and among other considerations, the completion and approval of a Sustained Yield Plan (SYP) and Habitat Conservation Plan (HCP) for PALCO property. Cash transfer for the purchase of the Headwaters Forest Reserve was authorized in the 1997 Interior Appropriations bill (H.R. 2107) on the federal side and in Assembly Bill 1986 (AB 1986), Headwaters Forest, Owl Creek, and Grizzly Creek, on the state side. The federal legislation authorizing acquisition, (1) established a specific boundary and point of access, (2) called for joint federal-state acquisition, with management by the federal government and an easement to guarantee conservation management granted to the state, and (3) established the requirement for the development of a management plan.

The specific 7,472-acre tract acquired includes 3,088 acres of unharvested conifer forests dominated by redwood groves surrounded by 4,384 acres of previously harvested forest and brush lands. It is located in the northwestern coast ranges of California near Humboldt Bay in Humboldt County, part of California's north coast region. The reserve includes the headwaters of three streams draining into Humboldt Bay; South Fork Elk River, Little South Fork Elk River, and Salmon Creek. The reserve contains three federally listed threatened fish species; southern Oregon/northern California coasts coho salmon, northern California steelhead, and California coastal chinook salmon, and two federally listed threatened animals; marbled murrelet and northern spotted owl. The reserve is designated critical habitat for the coho, chinook, and the murrelet. The reserve is identified in the PALCO HCP as a site for monitoring undisturbed baseline conditions for water quality and wildlife habitat.

Dated: February 15, 2002.

Lynda J. Roush,

Arcata Field Manager.

[FR Doc. 02–9718 Filed 4–19–02; 8:45 am]

BILLING CODE 4310–40–P

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–02–012]

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: May 2, 2002 at 11 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none.
2. Minutes.
3. Ratification List.
4. Inv. Nos. 701–TA–414 and 731–TA–928 (Final) (Softwood Lumber from Canada)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on or before May 16, 2002.)
5. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: April 17, 2002

By order of the Commission:

Marilyn R. Abbott, Secretary.

[FR Doc. 02–9862 Filed 4–18–02; 10:21 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services; FY 2002 Community Policing Discretionary Grants

AGENCY: Office of Community Oriented Policing Services, Department of Justice.

ACTION: Notice of Availability.

SUMMARY: The U.S. Department of Justice Office of Community Oriented Policing Services (COPS) announces the availability of the COPS in Schools grant program, which will assist law enforcement agencies in hiring new, additional School Resource Officers (SROs) to engage in community policing in and around primary and secondary schools. This program provides an incentive for law enforcement agencies to build collaborative partnerships with the school community and to use community policing efforts to combat school violence. The School Resource Officer must devote at least 75% of his/her time to work in and around primary and secondary schools, in addition to the time that a law enforcement agency would have devoted in the absence of the COPS in Schools grant.

The COPS in Schools program provides a maximum federal contribution of up to $125,000 per officer position over the three-year grant period, with any remaining costs to be paid with local funds. Officers paid with COPS in Schools funding must be hired on or after the grant award start date. In addition, all jurisdictions that apply must demonstrate that they have primary law enforcement authority over the school(s) identified in their application and demonstrate their inability to implement this project without federal assistance. Funding will begin when the new officers are hired on or after the award date and will be paid over the course of the grant period.

DATES: There will be two application deadlines for the COPS in Schools (CIS) program in 2002: May 17, 2002 and June 14, 2002. Applications postmarked on or before May 17, 2002 will receive priority consideration for Fiscal Year 2002 funding. Applications postmarked after May 17, 2002, but on or before June 14, 2002 will receive secondary consideration for COPS in Schools funding in Fiscal Year 2002. All applications must be postmarked on or before the second and final June 14,

2002 deadline to be considered for funding. All grant awards are subject to the availability of funding. Since funding is limited under the COPS in Schools Program, the COPS Office encourages interested agencies to apply early. Previous editions of the COPS in Schools Application Kit will not be accepted.

ADDRESSES: To obtain a copy of the CIS 2002 Application Kit, please call the U.S. Department of Justice Response Center at 1.800.421.6770 or visit the COPS Web site at *http://www.cops.usdoj.gov.*

FOR FURTHER INFORMATION CONTACT: Please contact the U.S. Department of Justice Response Center at 1.800.421.6770 or your COPS Grant Program Specialist. Additional information on the COPS in Schools program and the COPS Office in general is also available on the COPS Web site at: *http://www.cops.usdoj.gov.*

Overview

The Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) authorizes the Department of Justice to make grants to increase deployment of law enforcement officers devoted to community policing on the streets and rural routes in this nation. Many communities are discovering that trained, sworn law enforcement officers assigned to schools play an integral part in the development and/or enhancement of a comprehensive school safety plan. The presence of these officers provides schools with a direct link to local law enforcement agencies. School Resource Officers (SROs) may serve in a variety of roles including, but not limited to, that of a law enforcement officer/safety specialist, law-related educator, and problem solver/community liaison. These officers may teach programs such as crime prevention, substance abuse prevention, and gang resistance as well as monitor and assist troubled students through mentoring programs. The School Resource Officer(s) may also identify physical changes in the environment that may reduce crime in and around the schools, as well as assist in developing school policies which address criminal activity and school safety.

COPS in Schools funding must be used to hire new, additional School Resource Officers, over and above the number of sworn officers that a law enforcement agency would fund with state or local funds in the absence of the grant (including other School Resources Officers). A law enforcement agency may not reduce its state, locally-funded or Bureau of Indian Affairs-funded level of sworn officers (including other School Resource Officers or other sworn officers assigned to the schools) as a result of applying for or receiving COPS in Schools grant funding. For example, agencies currently employing one locally-funded School Resource Officer (or any other officer assigned to the school) that are awarded an additional School Resource Officer under the COPS in Schools program should thereafter employ two School Resource Officers (one locally-funded and one COPS-funded). COPS in Schools funding may be used to rehire sworn officers previously employed by your agency who have been laid off for financial reasons unrelated to the availability of the COPS in Schools grant if your agency obtains prior written approval from the COPS Office.

At the time of application, all applicants must agree to plan for the retention of each COPS-funded COPS in Schools position awarded at the conclusion of federal funding for at least one full local budget cycle. The application must also include a Memorandum of Understanding (MOU), signed by the law enforcement executive and the appropriate school official, to document the roles and responsibilities of the collaborative effort between the law enforcement agency and the educational school partner(s). The application must also include a Narrative Addendum to document that the School Resource Officer(s) will be assigned to work in and around primary or secondary schools and provide supporting documentation in the following areas: problem identification and justification, community policing strategies to be used by the officers, quality and level of commitment to the effort, and the link to community policing.

All agencies receiving awards through the COPS in Schools program are required to send the officer(s) deployed into the School Resource Officer position(s) as a result of this grant, and one individual designated as the School Representative under the grant program, to attend one COPS in Schools Training. The COPS Office will reimburse grantees for training, per diem, travel, and lodging costs for attendance of required participants up to a maximum of $1,100 per person attending. Should your agency receive a COPS in Schools grant, your agency will receive additional training information following notification of the grant award.

The Catalog of Federal Domestic Assistance (CFDA) reference for this program is 16.710.

Carl R. Peed,

Director, Office of Community Oriented Policing Services.

[FR Doc. 02–9692 Filed 4–19–02; 8:45 am]

BILLING CODE 4410–AT–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—AAF Association, Inc.

Notice is hereby given that, on March 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''), AAF Association, 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, VRT (Vlaamse Radio-en Televisioeomroep), Brussels, Belgium has been added as a party to this venture. Also, NL Technology, North Andover, MA has been dropped 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 AAF Association, Inc. intends to file additional written notification disclosing all changes in membership.

On March 28, 2000, AAF Association, 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 29, 2000 (65 FR 40127).

The last notification was filed with the Department on December 31, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on February 6, 2002 (67 FR 5617).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–9695 Filed 4–19–02; 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—Laser Diode Development Agreement

Notice is hereby given that, on March 21, 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''), Laser Diode Development Agreement 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 Cree, Inc., Durham, NC; and Rohm Co., Ltd., Kyoto, Japan. The nature and objectives of the venture are to cooperate in the development of laser diode devices for use in high capacity optical storage applications.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–9696 Filed 4–19–02; 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—Petroleum Environmental Research Forum (''PERF'')

Notice is hereby given that, on March 25, 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''), Petroleum Environmental Research Forum (''PERF'') 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, TNO Environment, Energy and Process Innovation, Apeldoorn, The Netherlands 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 Petroleum Environmental Research Forum (''PERF'') intends to file additional written notification disclosing all changes in membership.

On February 10, 1986, Petroleum Environmental Research Forum (''PERF'') 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 14, 1986 (51 FR 8903).

The last notification was filed with the Department on November 5, 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. 02–9693 Filed 4–19–02; 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—PKI Forum, Inc.

Notice is hereby given that, on March 13, 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''), PKI Forum, 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, GlaxoSmithKline, Philadelphia, PA; Schlumberger Network Solutions, Houston, TX; and Japan PKI Forum, Tokyo, Japan have been added as parties to this venture. Also, Arthur Andersen, Houston, TX; Compaq Computer Corporation, Houston, TX; Conclusive Logic, Ltd., Maidenhead, Berkshire, United Kingdom; Digital Signature Trust Co., Salt Lake City, UT; Entegrity Solutions, Inc., San Jose, CA; Entrust Technologies, Ottawa, Ontario, Canada; Gemplus International, S.A., Redwood City, CA; SSE, Ltd., Dublin, Ireland; Chrysalis-its, Ottawa, Ontario, Canada; Certicom Corporation, Mississauga, Ontario, Canada; and Cryptomathic A/S, Aarhus C. Denmark 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 PKI Forum, Inc. intends to file additional written notification disclosing all changes in membership.

On April 2, 2001, PKI Forum, 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 May 3, 2001 (66 FR 22260).

The last notification was filed with the Department on January 2, 2002. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on February 25, 2002 (67 FR 8560).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–9694 Filed 4–19–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,725 and NAFTA–05102]

General Mills Snack Division, Carlisle, PA; Notice of Negative Determination Regarding Application for Reconsideration

By application of December 14, 2001, petitioners 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–39,725 and North American Free Trade Agreement-Transitional Adjustment Assistance (NAFTA–TAA) under petition NAFTA–5102. The TAA and NAFTA–TAA denial notices applicable to workers of General Mills, Snack Division, Carlisle, Pennsylvania, were signed on November 5, 2001 and November 19, 2001, and published in the **Federal Register** on November 20, 2001 (66 FR 58171) and December 5, 2001 (66 FR 58171) and December 5, 2001 (66 FR 63262), respectively.

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 General Mills, Snack Division, Carlisle, Pennsylvania engaged in the production of single-serve fruit juice and fruit-based beverages, 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 company made a decision to exit the single-serve juice and fruit-based beverages business because the product no longer fit into this company's long-term plan for the Snacks Division. Imports of single-serve juice and fruit-based beverages did not contribute importantly to the declines in employment at the subject plant.

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 company made a decision to exit the single-serve juice and fruit-based beverages business because the product no longer fit into this company's long-term plan for the Snacks Division. The subject firm did not shift production to Canada or Mexico, nor did they import from Canada or Mexico single serve fruit juices or fruit-based beverages during the relevant period.

The petitioner feels that the products produced by the subject firm were impacted by imports of products like or directly competitive with what the subject plant produced.

Based on available industry data, the domestic market for single serve fruit beverages faces little or no competition from foreign sources. U.S. imports of single fruit or vegetable juice were negligible during the relevant period.

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 22nd day of March, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–9758 Filed 4–19–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,488 and NAFTA–5512]

Sunbrand, A Division of Willcox and Gibbs, Inc., Norcross, GA; 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 Sunbrand, a Division of Willcox and Gibbs, Inc., Norcross, Georgia. 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–40,488 & NAFTA–5512; Sunbrand, a Division of Willcox and Gibbs, Inc., Norcross, Georgia (April 11, 2002)

Signed at Washington, DC this 11th day of April, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–9760 Filed 4–19–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,960]

Alfa-Laval Incorporated Formerly Known As Tri-Clover Kenosha, WI; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 11, 2002 in response to a petition filed on behalf of workers at Alfa Laval Inc., formerly known as Tri-Clover, Pleasant Prairie, Wisconsin. According to evidence developed in the course of the investigation, the location of the subject facility is Kenosha, Wisconsin and not Pleasant Prairie as listed in the petition.

A negative determination applicable to the petitioning group of workers was issued on January 22, 2002 (TA–W–40,590). No new information is evident which would result in a reversal of the Department's previous determination. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Dated: Signed in Washington, DC this 8th day of April, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–9753 Filed 4–19–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,213, TA–W–39,213A]

Chicago Specialties, LLC, Chicago, IL; Chicago Specialties, LLC, Sales Office, Westlake, OH; 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 May 31, 2001, applicable to workers of Chicago Specialties, LLC, Chicago, Illinois. The notice was published in the **Federal Register** on June 14, 2001 (66 FR 32389).

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 sales Office Westlake, Ohio location of Chicago Specialties, LLC. The Westlake, Ohio workers provide sales support function services for the subject firm's production facility in Chicago, Illinois.

Based on these findings, the Department is amending this certification to include workers of Chicago Specialties, LLC, Sales Office, Westlake, Ohio.

The intent of the Department's certification is to include all workers of Chicago Specialties, LLC who were adversely affected by increased imports of Para Cresol.

The amended notice applicable to TA–W–39–213 is hereby issued as follows:

All workers of Chicago Specialties, LLC, Chicago, Illinois (TA–W–39–213) and Chicago Specialties, LLC, Sales Office, Westlake, Ohio (TA–W–39,213A) who became totally or partially separated from employment on or after April 23, 2000, through May 31, 2003, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC this 9th day of April, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–9741 Filed 4–19–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,573]

Cooper Wiring Devices, Georgetown, 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 Certification of Eligibility to Apply for Worker Adjustment Assistance on August 29, 2001, applicable to workers of Cooper Wiring Devices, Assembly Department, Georgetown, South Carolina. The notice was published in the **Federal Register** on September 11, 2001 (66 FR 47241).

At the request of the company, the Department reviewed the certification for workers of the subject firm. Findings show that the Department limited its certification coverage to workers of the subject firm's Assembly Department.

New company information shows that workers separations will continue at the Georgetown, South Carolina plant as all remaining production related to wiring devices shifts to Mexico. The company is increasing its imports of wiring devices.

It is the intent of the Department to include ''all workers'' of Cooper Wiring Devices adversely affected by increased imports of wiring devices.

The amended notice applicable to TA–W–39,573 is hereby issued as follows:

All workers of Cooper Wiring Devices, Georgetown, South Carolina who became totally or partially separated from employment on or after June 27, 2000, through August 29, 2003, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC this 8th day of March, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–9747 Filed 4–19–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,604, TA–W–39,604B]

Doran Mills, LLC, Shelby, NC; Doran Distribution Center, Marion, NC; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on January 10, 2002, applicable to workers of Doran Mills, LLC, Shelby, North Carolina. The notice was published in the **Federal Register** on January 24, 2002 (67 FR 3507).

At the request of a company official, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of novelty woven yarns and woven fabric for the apparel, upholstery and home furnishings industries.

New information shows that worker separations occurred at the Doran Distribution Center of Doran Mills, LLC, Marion, North Carolina before it closed in November, 2001. The Marion, North Carolina location provided warehousing and distribution services for the Shelby, North Carolina location of the subject firm that closed in June 2001.

Accordingly, the Department is amending the certification to covers the workers of Doran Distribution Center of Doran Mills, LLC, Marion, North Carolina.

The intent of the Department's certification is to include all workers of Doran Mills, LLC who were adversely affected by increased imports of novelty woven yarns and woven fabrics.

The amended notice applicable to TA–W–39,604 is hereby issued as follows:

All workers of Doran Mills, LLC, Shelby, North Carolina (TA–W–39,604) and Doran Distribution Center, Marion, North Carolina (TA–W–39,604B) who became totally or partially separated from employment on or after June 20, 2000, through January 10, 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 April, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–9743 Filed 4–19–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,054]

Fairchild Semiconductor; Formerly Known as Intersil Corporation, Mountaintop, PA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on November 30, 2001, applicable to workers of Fairchild Semiconductor, Mountaintop, Pennsylvania. The notice was published in the **Federal Register** on December 26, 2001 (66 FR 66428).

At the request of the company, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of computer chips.

The company reports that in March, 2001, Fairchild Semiconductor purchased the Mountaintop, Pennsylvania location of Intersil Corporation and is now known as Fairchild Semiconductor, formerly known as Intersil Corporation.

Information also shows that workers separated from employment at the subject firm, had their wages reported under a separate unemployment insurance (US) tax account for Fairchild Semiconductor, formerly known as Intersil Corporation.

Accordingly, the Department is amending the certification determination to properly reflect this matter.

The intent of the Department's certification is to include all workers of Fairchild Semiconductor, formerly known as Intersil Corporation, Mountaintop, Pennsylvania who were adversely affected by increased imports.

The amended notice applicable to TA–W–40,054 is hereby issued as follows:

All workers of Fairchild Semiconductor, formerly known as Intersil Corporation, Mountaintop, Pennsylvania, engaged in the production of computer chips, who became totally or partially separated from employment on or after September 2, 2000, through November 30, 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 January, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–9742 Filed 4–19–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,686]

J and K Sales Company, Inc., Pawtucket, RI; 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 J and K Sales Company, Inc., Pawtucket, Rhode Island. 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–39,686; J and K Sales Company, Inc., Pawtucket, Rhode Island (April 11, 2002)

Signed at Washington, DC this 11th day of April, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–9761 Filed 4–19–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,711]

L and N Metallurgical Products Company, Ellwood City, 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 L and N Metallurgical Products Company, Ellwood City, Pennsylvania. 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–39,711; L and N Metallurgical Products Company, Ellwood City, Pennsylvania (February 28, 2002)

Signed at Washington, DC this 11th day of April, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–9763 Filed 4–19–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–41,174]

Ketcham Diversified Tooling, Inc., Cambridge Springs, PA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on March 25, 2002, in response to a worker petition which was filed by the company on behalf of workers at Ketcham Diversified Tooling, Inc., Cambridge Springs, Pennsylvania.

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 11th day of April, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–9739 Filed 4–19–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,711]

L and N Metallurgical Products Company, Ellwood City, Pennsylvania; 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 L and N Metallurgical Products Company, Ellwood City, Pennsylvania. 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–39,711; L and N Metallurgical Products Company, Ellwood City, Pennsylvania (February 28, 2002)

Signed at Washington, DC this 11th day of April, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–9763 Filed 4–19–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,131]

Levcor International, Inc., New York, NY; Notice of Negative Determination Regarding Application for Reconsideration

By application of January 29, 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 was signed on January 2, 2002 and published in the **Federal Register** on January 11, 2002 (67 FR 1511).

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 Levcor International, Inc. engaged in the production of fabric for apparel, was denied because the criterion (2) of the group eligible requirement was not met. Sales at the subject firm did not decline during the relevant period.

The company alleges that sales at the subject firm decreased during the relevant period. The company further indicated that the most recent sales figures they provided include figures from a company they acquire during the most recent period. The company further indicated that by extracting out those sales figures, subject plant sales would show a decline during the relevant period.

Examination of sales data supplied during the initial investigation and clarification from the company further

supports the original decision that sales increased during the relevant period.

Based on further information provided during reconsideration it became evident that the workers were not engaged in production of an article, fabric. Workers instead, only performed sales and administrative functions during the relevant period.

The subject workers do not produce an article within the meaning of section 222(3) of the Act.

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 22nd day of March, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–9757 Filed 4–19–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,938]

Marathon Electric Regal-Beloit Corporation, West Plains, MO; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on March 4, 2002 in response to a worker petition, which was filed on behalf of workers at Marathon Electric, subsidiary of Regal-Beloit Corporation, West Plains, Missouri.

The petitioners 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 9th day of April 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–9754 Filed 4–19–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,023]

National Ford Chemical Company, Inc., Fort Mill, SC; Notice of Negative Determination Regarding Application for Reconsideration

By application of January 31, 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 was signed on December 12, 2001 and published in the **Federal Register** on December 26, 2001 (66 FR 66426).

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 Nation Ford Chemical Company, Inc., Fort Hill, South Carolina engaged in administrative activities was denied because the worker group did not produced an article within the meaning of Section 222(3) of the Act.

The company alleges that further layoffs of production, maintenance and warehouse personnel occurred after the negative determination was issued.

During the initial decision, there was no indication that a threat of additional layoffs was imminent and therefore the investigation focused on the worker group engaged in administrative functions. The workers terminated after the date of the decision, were terminated beyond the relevant period of the investigation. Since conditions may have changed, a new TAA petition can be filed on behalf of the worker group so the Department can initiate a new investigation that would consider a potentially impacted worker group engaged in production of an article.

The petitioner further alleges that they believe imports contributed to the layoffs at the subject firm.

Before the Department examines if imports contributed importantly to the layoffs at the subject plant, it is imperative that worker group impacted be identified as engaged in the production of an article.

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 1st day of April, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–9759 Filed 4–19–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,622]

Teva Pharmaceuticals USA, Elmwood Park, NJ; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 22, 2002, in response to a petition filed by the company on behalf of workers at Teva Pharmaceuticals USA, Elmwood Park, New Jersey.

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 11th of April 2002.

Linda G. Poole,

Certifying Officer, Division Of Trade Adjustment Assistance.

[FR Doc. 02–9755 Filed 4–19–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,495; TA–W–38,495B]

VF Imagewear (East), Inc., Martinsville, VA; Including Employees of VF Imagewear (East), Martinsville, VA Located in Golden Valley, MN, Dallas, TX, Portland, OR and Salisbury, MD; VF Services, Inc., Martinsville, VA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on April 17, 2001, applicable to workers of VF Imagewear (East), Inc., Martinsville, Virginia. The notice was published in the **Federal Register** on May 3, 2001 (66 FR 22262). The certification was amended on December 14, 2001 to include employees of the Martinsville, Virginia facility of the subject firm located in Golden Valley, Minnesota, Dallas, Texas, Portland, Oregon and Salisbury, Maryland.

At the request of the company, the Department reviewed the certification for workers of the subject firm. The company reports that worker separations have occurred at VF Services, Inc., Martinsville, Virginia. The Martinsville, Virginia workers provide administrative functions and technical computer support for the subject firm's production facilities, including Martinsville, Virginia.

Accordingly, the Department is amendment the certification to cover the workers of VF Services, Inc., Martinsville, Virginia.

The intent of the Department's certification is to include all workers of VF Imagewear (East), Inc. who were adversely affected by increased imports.

The amended notice applicable to TA–W–38,495 is hereby issued as follows:

All workers of VF Imagewear (East), Inc., Martinsville, Virginia, including workers of the Martinsville, Virginia facility located in Golden Valley, Minnesota, Dallas, Texas, Portland, Oregon and Salisbury, Maryland (TA–W–38,495) and VF Services, Inc., Martinsville, Virginia (TA–W–38,495B) who became totally or partially separated from employment on or after December 13, 1999, through April 17, 2003, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington DC this 8th day of March 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–9738 Filed 4–19–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,976, TA–W–39,976C]

VF Imagewear (West), Inc., Harriman, Tennessee; VF Services, Inc., Nashville, TN; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on October 1, 2001, applicable to workers of VF Imagewear (West), Inc., Harriman, Tennessee. The notice was published in the **Federal Register** on October 19, 2001 (66 FR 5351).

At the request of the company, the Department reviewed the certification for workers of the subject firm. The company reports that worker separations have occurred at VF Services, Inc., Nashville, Tennessee. The Nashville, Tennessee workers provide administrative functions and technical computer support for the subject firm's production facilities, including Harriman, Tennessee.

Accordingly, the Department is amending the certification to cover the workers of VF Services, Inc., Nashville, Tennessee.

The intent of the Department's certification is to include all workers of VF Imagewear (West), Inc. who were adversely affected by increased imports.

The amended notice applicable to TA–W–39,976 is hereby issued as follows:

All workers of VF Imagewear (West), Inc., Harriman, Tennessee (TA–W–39,976) and VF Services, Inc., Nashville, Tennessee (TA–W–39,976C) who became totally or partially separated from employment on or after August 22, 2000, through October 1, 2003, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington DC this 8th day of March, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–9740 Filed 4–19–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,069]

Westvaco Corporation, Tyrone, PA, Notice of Negative Determination Regarding Application for Reconsideration

By application of January 22, 2001, the Paper Allied-Industrial Chemical & Energy Workers International Union (PACE), 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 was signed on December 5, 2001 and published in the **Federal Register** on December 26, 2001 (66 FR 66428).

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 Westvaco Corporation, Tyrone, Pennsylvania engaged in the production of C2S web Offset paper and uncoated envelope paper, 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 CS2 Web Offset paper. The survey revealed that none of the customers increased their import purchases of C2S web offset paper, while reducing their purchases from the subject firm during the relevant period. The subject firm did not import this type of paper during the relevant period. The investigation further revealed that the dominant factor leading to the closure of the plant was related to a shift in plant production to two other domestic facilities.

The petitioner alleges that the shift in plant production to two other domestic affiliated locations was to ensure that

the production schedules were filled at the other facilities, since there were openings in the production schedule at those locations due to a lack of orders. The petitioner further alleges that a lack of orders resulted from a flood of paper imported from Brazil and South East Asia, resulting in the closure of the subject plant.

As noted above, the Department of Labor normally examines if ''contributed importantly'' test is met through a survey of the workers' firm's customers. A review of the survey results shows that the customers did not increase their imports of C2S Web Offset paper, while decreasing their purchases form the subject firm during the relevant period. The survey further shows that virtually all lost business was from other domestic sources and therefore imports of C2S Web paper did not contribute importantly to the layoffs at the subject plant. The customers purchasing uncoated envelope paper were not surveyed since there were no major declining customers of this product.

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 22nd day of March, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–9756 Filed 4–19–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,855]

Willamette Industries, Inc., Foster Plywood Division; Now Known as Weyerhaeuser Company, Sweet Home, Oregon; Amended Notice of Revised Determination on Reconsideration

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Revised Determination on Reconsideration on September 28, 2001, applicable to workers of Willamette Industries, Inc., Foster Plywood Division, Sweet Home, Oregon. The notice was published in the **Federal Register** on October 19, 2001 (FR 66 53253).

At the request of the State agency, the Department reviewed the revised determination for workers of the subject firm. Information provided by the State and the company shows that Weyerhaeuser Company purchased Willamette Industries, Inc. in March 2002 and is now known as Weyerhaeuser Company.

Information also shows that workers separated from employment at the subject firm, had their wages reported under a separate unemployment insurance (UI) tax account for Weyerhaeuser Company.

Accordingly, the Department is amending the revised determination to properly reflect this matter.

The intent of the Department's revised determination is to include all workers of Willamette Industries, Inc., Foster Plywood Division, now known as Weyerhaeuser Company who were adversely affected by increased imports.

The amended notice applicable to TA–W–38,855 is hereby issued as follows:

All workers engaged in the production of veneer core at Willamette Industries, Inc., Foster Plywood Division, now known as Weyerhaeuser Company , Sweet Home, Oregon who became totally or partially separated from employment on or after March 1, 2000, through September 28, 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 April, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–9745 Filed 4–19–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–05043]

Cooper Wiring Devices, Georgetown, SC; Amended Certification Regarding Eligibility To Apply for NAFTA Transitional Adjustment Assistance

In accordance with section 250(A), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on August 29, 2001, applicable to workers of Cooper Wiring Devices, Assembly Department, Georgetown, South Carolina. The notice was published in the **Federal Register** on September 11, 2001 (66 FR 47242).

At the request of the company, the Department reviewed the certification for workers of the subject firm. Findings show that the Department limited its certification coverage to workers of the subject firm's Assembly Department.

New company information shows that worker separations are scheduled and the remaining production of molding and wall plating performed on the molding machines and wall plate wrapping machines is shifting to Mexico. The entire plant will be closing by the end of 2002.

It is the intent of the Department to include ''all workers'' of Cooper Wiring Devices adversely affected by a shift in production of molding machines and wall plant wrapping machines to Mexico.

The Department is amending the certification determination to identify the worker group to read ''all workers.''

The amended notice applicable to NAFTA–05043 is hereby issued as follows:

All workers of Cooper Wiring Devices, Georgetown, South Carolina who became totally or partially separated from employment on after June 26, 2000, through August 29, 2003, are eligible to apply for NAFTA–TAA under section 250 of the Trade Act of 1974.

Signed at Washington, DC this 8th day of March, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–9746 Filed 4–19–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–5257]

J.T. Fennell Company, Inc., Chillicothe, Illinois; 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 J.T. Fennell Company, Inc., Chillicothe, Illinois. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

NAFTA–5257; J.T. Fennell Company, Inc.
Chillicothe, Illinois (March 21, 2002)

Signed at Washington, DC this 11th day of April, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–9762 Filed 4–19–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–005906A]

Laclede Steel Company Vandalia, IL; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance, hereinafter called NAFTA–TAA and in accordance with Section 220(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2331), an investigation was initiated on February 14, 2002 in response to a worker petition which was filed by United Steelworkers of America and dated August 24, 2001 on behalf of workers at Laclede Steel Company, Vandalia, Illinois.

A negative determination applicable to the petitioning group of workers was issued on December 20, 2001 (NAFTA–005310). No new information is evident which would result in a reversal of the Department's previous determination. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 11th day of April, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–9751 Filed 4–19–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–5882]

Marathon Electric, Regal-Beloit Corporation, West Plains, MO; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. 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. 2331), the Department of Labor herein presents the results of an investigation was initiated on February 15, 2002 in response to a worker petition, which was filed on behalf of workers at Marathon Electric, subsidiary of Regal-Beloit Corporation, West Plains, Missouri.

The petitioners 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 9th day of April 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–9750 Filed 4–19–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–5596]

Teva Pharmaceuticals USA Elmwood Park, NJ; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. 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 November 18, 2001, in response to a petition filed by the company on behalf of workers at Teva Pharmaceuticals USA, Elmwood Park, New Jersey.

The petitioners requested that the petition for NAFTA–TAA be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 11th day of April, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–9752 Filed 4–19–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–04631]

Willamette Industries, Inc., Foster Plywood Division; Now Known as Weyerhaeuser Company, Sweet Home, OR; Amended Certification Regarding Eligibility To Apply for NAFTA—Transitional Adjustment Assistance

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), the Department of Labor issued a Revised Determination on Reconsideration on September 28, 2001, applicable to workers of Willamette industries, Inc., Foster Plywood Division, Sweet Home, Oregon. The notice was published in the Federal Register on October 19, 2001, (FR 66 53253).

At the request of the state agency, the Department reviewed the revised determination for workers of the subject firm. Information provided by the State and the company shows that Weyerhaeuser Company purchased Willamette Industries, Inc. in March 2002 and is known as Weyerhaeuser Company.

Information also shows that workers separated from employment at the subject firm, had their wages reported under a separate unemployment insurance (UI) tax account for Weyerhaeuser Company.

Accordingly, the Department is amending the revised determination to properly reflect this matter.

The intent of the Department's revised determination is to include all workers of Willamette Industries, Inc., Foster Plywood Division, now known as Weyerhaeuser Company who were affected by increased imports of veneer core form Canada.

The amended notice applicable to NAFTA–04631 is hereby issued as follows:

All workers engaged in the production of veneer core at Willamette Industries, Inc., Foster Plywood Division, now known as Weyerhaeuser Company, Sweet Home, Oregon, who became totally or partially separated from employment on or after March 1, 2000, through September 28, 2003, are eligible to apply for NAFTA–TAA under section 250 of the Trade Act of 1974.

Signed in Washington, DC this 4th day of April, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–9744 Filed 4–19–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–05251, NAFTA–05251A]

Willamette Industries, Inc., Korpine Particleboard Division Now Known as Weyerhaeuser Company Including Temporary Workers of Express Personnel Services, Bend, OR and Willamette Industries, Inc., Particleboard Sales Office, Now Known as Weyerhaeuser Company, Albany, OR, Amended Certification Regarding Eligibility To Apply for NAFTA—Transitional Adjustment Assistance

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), the Department of Labor issued a Certification of Eligibility to Apply for NAFTA Transitional Adjustment Assistance on December 7, 2001, applicable to workers of Willamette Industries, Inc., Korpine Division, Bend, Oregon. The notice was published in the **Federal Register** on December 26, 2001 (66 FR 66427). The certification was amended on February 4, 2002 to include workers of the Particleboard Sales Office of the subject firm located in Albany, Oregon. The notice was published in the **Federal Register** on February 13, 2002 (67 FR 6753).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. Information provided by the State and the company shows that Weyerhaeuser Company purchased Willamette Industries, Inc. in March 2002 and is now known as Weyerhaeuser Company.

Accordingly, the Department is amending the certification determination to properly reflect this matter.

The intent of the Department's certification is to include all workers of Willamette Industries, Inc., Korpine Particleboard Division and the Particleboard Sales Office, now known as Weyerhaeuser Company who were affected by increased customer imports of industrial pine particleboard from Canada and Mexico.

The amended notice applicable to NAFTA–05251 and NAFTA–05251A are hereby issued as follows:

All workers of Willamette Industries, Inc., Korpine Particleboard Division, now known as Weyerhaeuser Company, Bend, Oregon including temporary workers of Express Personnel Services, Bend, Oregon (NAFTA–5251) engaged in employment related to the production of industrial pine particleboard at Willamette Industries, Inc., Korpine Particleboard Division, now known as Weyerhaeuser Company, Bend, Oregon, and all workers of Willamette Industries, Particleboard Sales Office, now known as Weyerhaeuser Company, Albany, Oregon (NAFTA–5251A) who became totally or partially separated from employment on or after August 17, 2000, through December 7, 2003, are eligible to apply for NAFTA–TAA under section 250 of the Trade Act of 1974.

Signed in Washington, DC this 9th day of April, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–9748 Filed 4–19–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,939, TA–W–39,939A]

Willamette Industries, Inc., Korpine Particleboard Division, Now Known as Weyerhaeuser Company Including Temporary Workers of Express Personnel Services, Bend, OR; Willamette Industries, Inc., Particleboard Sales Office, Now Known as Weyerhaeuser Company, Albany, OR; 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 issues a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 15, 2002, applicable to workers of Willamette Industries, Inc., Korpine Particleboard Division, Bend, Oregon. The notice was published in the **Federal Register** on January 31, 2002 (67 FR 4750). The certification was amended on February 4, 2002 to include workers of the Particleboard Sales Office of the subject firm located in Albany, Oregon. The notice was published in the **Federal Register** on February 13, 2002 (67 FR 6752).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. Information provided by the State and the company shows that Weyerhaeuser Company purchased Willamette Industries, Inc. in March 2002 and is now known as Weyerhaeuser Company.

Accordingly, the Department is amending the certification determination to properly reflect this matter.

The intent of the Department's certification is to include all workers of Willamette Industries, Inc., Korpine Particleboard Division and the Particleboard Sales Office, now known as Weyerhaeuser Company who were adversely affected by increased imports.

The amended notice applicable to TA–W–39,939 and TA–W–39,939A are hereby issued as follows:

All workers of Willamette Industries, Inc. Korpine Particleboard Division, now known as Weyerhaeuser Company, Bend, Oregon including temporary workers of Express Personnel Services, Bend, Oregon (TA–W–39,939) engaged in employment related to the production of industrial pine particleboard at Willamette Industries, Inc., Korpine Particleboard Division, now known as Weyerhaeuser Company, Bend, Oregon, and all workers of Willamette Industries, Paticleboard Sales Office, now know as Weyerhaeuser Company, Albany, Oregon (TA–W–39,939A) who became totally or partially separated from employment on or after August 17, 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 9th day of April, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–9749 Filed 4–19–02; 8:45 am]

BILLING CODE 4510–30–M

LEGAL SERVICES CORPORATION

Notice of Availability of Calendar Year 2003 Competitive Grant Funds

AGENCY: Legal Services Corporation.

ACTION: Solicitation for Proposals for the Provision of Civil Legal Services.

SUMMARY: The Legal Services Corporation (LSC) is the national organization charged with administering federal funds provided for civil legal services to low income people.

LSC hereby announces the availability of competitive grant funds and is soliciting grant proposals from interested parties who are qualified to provide effective, efficient and high quality civil legal services to eligible clients in the states and territories, by service area(s) identified below. The exact amount of congressionally appropriated funds and the date, terms and conditions of their availability for calendar year 2003 have not been determined.

DATES: See Supplementary Information section for grants competition dates.

ADDRESSES: Legal Services Corporation—Competitive Grants, 750 First Street NE., 10th Floor, Washington, DC 20002–4250.

FOR FURTHER INFORMATION CONTACT: Office of Program Performance by FAX

at (202)336–7272, by e-mail at *competition@lsc.gov*, or visit the LSC Web site at *www.ain.lsc.gov*.

SUPPLEMENTARY INFORMATION: The Request for Proposals (RFP) will be available April 26, 2002. Applicants must file a Notice of Intent to Compete (NIC) to participate in the competitive grants process.

Applicants competing for service areas in Alaska, California, Connecticut, Delaware, District of Columbia, Guam, Hawaii, Idaho, Iowa, Kansas, Louisiana, Maine, Maryland, Micronesia, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, North Dakota, Ohio, Oklahoma, Oregon, Puerto Rico, Rhode Island, South Dakota, Utah, Vermont, Virgin Islands, Virginia, and Washington must file the NIC by May 24, 2002, 5 p.m. ET. The due date for filing grant proposals for service areas in these states is June 24, 2002, 5 p.m. ET.

LSC will publish competed service areas for Michigan and New Jersey in June 2002. Applicants competing for service areas in these states are required to file the NIC by July 12, 2002, 5 p.m. ET. The due date for filing grant proposals for services areas in Michigan and New Jersey is August 9, 2002, 5 p.m. ET.

LSC is seeking proposals from: (1) Non-profit organizations that have as a purpose the furnishing of legal assistance to eligible clients; (2) private attorneys; (3) groups of private attorneys or law firms; (4) State or local governments; and (5) substate regional planning and coordination agencies which are composed of substate areas and whose governing boards are controlled by locally elected officials.

The RFP, containing the grant application, guidelines, proposal content requirements and specific selection criteria, will be available from the LSC Web site at *www.ain.lsc.gov*. LSC will not FAX the RFP to interested parties.

Below are the service areas for which LSC is requesting grant proposals. Service area descriptions are available from Appendix A of the RFP. The RFP will be available April 26, 2002, at *www.ain.lsc.gov*. Interested parties are asked to visit *www.ain.lsc.gov* regularly for updates on the LSC competitive grants process.

State	Service area
Alaska	AK–1, NAK–1.
California	CA–12, CA–14.
Connecticut	CT–1, NCT–1.
Delaware	DE–1, MDE.
Dist. of Columbia	DC–1.
Guam	GU–1.
Hawaii	HI–1, MHI, NHI–1.
Idaho	ID–1, MID, NID–1.
Iowa	IA–3, MIA.
Kansas	KS–1, MKS.
Louisiana	LA–1, LA–4, LA–8.
Maine	ME–1 MMX–1, NME–1.
Maryland	MD–1, MMD.
Michigan	Competed service areas in Michigan will be published in June 2002.
Micronesia	MP–1.
Minnesota	MN–1, MN–2, MN–3, MN–4, MN–5, MMN, NMN–1.
Missouri	MO–3, MO–4, MO–5, MO–7, MMO.
Nebraska	NE–4, MNE, NNE–1.
Nevada	NV–1, MNV, NNV–1.
New Hampshire	NH–1.
New Jersey	Competed service areas in New Jersey will be published in June 2002.
North Dakota**	ND–3, MND, NND–3.
Ohio	OH–5, OH–17, OH–18, OH–19, OH–20, OH–21, OH–22, MOH.
Oklahoma	NOK–1.
Oregon	OR–2, OR–4, OR–5, MOR, NOR–1.
Puerto Rico	PR–1, PR–2, MPR.
Rhode Island	RI–1.
South Dakota	SD–2, SD–4, MSD, NSD–1.
Utah	UT–1, MUT, NUT–1.
Vermont	VT–1.
Virgin Islands	VI–1.
Virginia	VA–15, VA–16.
Washington	WA–1, MWA, NWA–1.

** Service areas ND–3 and NND–3 in North Dakota will be awarded to a single grantee. Applicants must apply for both service areas.

Dated: April 16, 2002.

Victor Fortuno,

Vice-President for Legal Affairs, Legal Services Corporation.

[FR Doc. 02–9798 Filed 4–19–02; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Submission for OMB Review; Comment Request

April 16, 2002.

The National Endowment for the Arts (NEA) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 [Public Law 104–13, 44 U.S.C. Chapter 35]. Copies of this ICR, with applicable supporting documentation, may be obtained by calling the National Endowment for the Arts' Research Director, Tom Bradshaw, 202/682–5432. Individuals who use a telecommunications device for the deaf (TTY/TDD) may call 202/682–5496 between 10 a.m. and 4 p.m. Eastern time, Monday through Friday.

Comments should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the National Endowment for the Arts, Office of Management and Budget, Room 10235, Washington, DC 20503 202/395–7316, within 30 days from the date of this publication in the **Federal Register.**

The Office of Management and Budget (OMB) is particularly interested in comments which:

- 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;
- 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;
- Enhance the quality, utility, and clarity of the information to be collected; and
- 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 submissions of responses.

Agency: National Endowment for the Arts.

Title: 2002 Survey of Public Participation in the Arts.

OMB Number: New.

Frequency: One Time.

Affected Public: Individuals or households.

Estimated Number of Respondents: 26,500.

Estimated Time Per Respondent: 10 minutes.

Total Burden Hours: 4,417.

Total Annualized Capital/Startup Costs: 0.

Total Annual Costs (Operating/Maintaining Systems or Purchasing Services: 0.

Description: The National Endowment for the Arts proposes to conduct a national Survey of Public Participation in the Arts (SPPA) as a supplement to the Census Bureau's Current Population Survey in August 2002. The survey will provide information on the extent to which the adult population participates in the arts. Responses will be analyzed to determine arts participation patterns and differences by population subgroup

and geography and changes from prior SPPA's conducted in 1982, 1985, 1992, and 1997. The results will be used by arts administrators, researchers, and policymakers at the national, state, and local level.

ADDRESSES: Tom Bradshaw, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW, Room 617, Washington, DC 20506–0001, telephone 202/682–5432 (this is not a toll-free number), fsx 202/682–5677.

Kathy Plowitz-Warden,

Panel Coordinator, National Endowment for the Arts.

[FR Doc. 02–9691 Filed 4–19–02; 8:45 am]

BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

Notice of Denial—Completion of Ground-Water Restoration in Unit 1 Wellfield, Crow Butte Resources, Dawes County, NE

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of denial.

SUMMARY: On March 29, 2002, the U.S. Nuclear Regulatory Commission (NRC) denied the requested approval of ground-water restoration completion in the Unit 1 wellfield at the Crow Butte Resources, Incorporated, *In Situ* Leach (ISL) uranium extraction facility located near the town of Crawford, Dawes County, Nebraska. The facility is licensed to process and possess natural uranium by Materials License Number SUA–1534, issued in accordance with Title 10 Code of Federal Regulations (CFR) part 40.

Crow Butte Resources, Incorporated, (the licensee) requested approval for completing ground-water restoration in its Unit 1 wellfield, upon concluding activities that resulted in contaminant concentrations within the uranium ore zone of the Chadron Aquifer reaching acceptable levels, determined to be protective of public health and the environment. NRC denied the licensee's request for approval, based on a finding that the licensee did not demonstrate that Unit 1 restoration activities would result in future constituent levels remaining at levels protective of human health and the environment, in accordance with 10 CFR 40.31(h) and Criterion 5F, 10 CFR part 40, Appendix A. In addition, the licensee is required to immediately restart stabilization ground-water monitoring in Unit 1 at the monitoring locations described in the January 10, 2000, Restoration Report. The ground-water shall be sampled and analyzed for the constituents listed in License Condition 10.3B, SUA–1534, on a schedule of at least 14 days apart. The wellfield restoration shall be considered stable if four consecutive sampling episodes show no strongly increasing concentration trends for *all* monitored constituents, on a wellfield average, as described in Section 6.1.3, ''Standard Review Plan for *In Situ* Leach Uranium Extraction License Applications,'' NUREG–1569.

At that time, the licensee shall submit a written report for NRC review and approval, which provides a tabulation of all stability monitoring data for Unit 1, graphics showing time versus concentration of each monitored constituent, and analyses that demonstrate the restored constituent concentrations are within license limits and are stable. Stability monitoring should continue until four consecutive sampling episodes show no strongly increasing concentration trends. Wellfield restoration activities should be immediately re-initiated in Unit 1 if the concentration of any monitored constituent exceeds its license limit. The licensee should also revise its ground-water restoration plan to reflect a stability monitoring period which will allow all constituents to reach stability before ceasing the monitoring. This revision should be submitted for NRC review and approval in the form of an amendment to License Condition 10.3C, SUA–1534.

In accordance with 10 CFR 2.790 of the NRC's ''Rules of Practice,'' a copy of NRC's Denial letter and the accompanying Technical Evaluation Report (Accession Number ML020930087) is available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm.html* (the Public Electronic Reading Room).

Pursuant to 10 CFR 2.108(b) the licensee shall have 30 days from the date of this Notice of Denial to file a petition, requesting a hearing before the Atomic Safety Licensing Board Panel on this denial.

FOR FURTHER INFORMATION CONTACT: Michael Layton @ 301 415 6676 or *mcl@nrc.gov*.

Dated at Rockville, Maryland, this 15th day of April, 2002.

For the Nuclear Regulatory Commission.

Robert Pierson,

Director, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 02–9733 Filed 4–19–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 72–12 AND 50–333; License No. DPR–59]

Entergy Nuclear Operations, Inc., James A. Fitzpatrick Nucelar Power Plant; Receipt of Request for Action Under 10 CFR 2.206

Notice is hereby given that by petition dated February 21, 2002, Mr. Timothy Judson of the Citizens Awareness Network, *et al.* (petitioner) has requested that the Nuclear Regulatory Commission (NRC) take action with regard to Entergy's James A. FitzPatrick Interim Spent Fuel Storage Installation (ISFSI).

The petitioner requests the following:

1. That the NRC order Entergy to suspend the dry cask storage program at the FitzPatrick reactor.

2. That the NRC require Entergy to:

• Demonstrate that the proposed fuel storage program presents no increased risks to the national security or worker or public health and safety beyond what is contemplated in the Certificate of Compliance and General License, pursuant to § 72.212(4)–(5);

• Submit its proposed design changes for technical review in the form of a license amendment application and seek regulatory approval for them pursuant to § 72.244;

• Evaluate its use of the HI–TRAC 100 transfer cask for ALARA standards, per part 50, Appendix I;

• Provide more substantial physical and structural protection of the irradiated fuel and ISFSI to satisfy the requirements of §§ 73.51, 73.55; and

• Demonstrate the use of the HI–STORM 100 can satisfy these requirements at FitzPatrick, or demonstrate countervailing and compelling reasons to utilize the HI–STORM 100 at FitzPatrick, as opposed to any other casks certified by NRC.

3. That all documents and information filed in relation to the selection of storage casks and the implementation of dry storage at FitzPatrick be put on the docket for public inspection.

4. That the Petition Review Board submit this petition to the NRC's Office of the Inspector General (OIG) for

review of the Spent Fuel Project Office's compliance with regard to NRC regulations in terms of design changes, licensing, amendments, exemptions and ALARA in its permitting process relating to the use of dry cask storage at FitzPatrick. Additionally, that a review be conducted to determine whether NRC staff in the Spent Fuel Project Office are complicit or misguided in permitting design changes to these casks without submission of a license amendment.

5. That the NRC conduct an investigation to determine whether Entergy has deliberately circumvented the appropriate technical and regulatory review required to protect worker and public health and safety and the environment.

As the basis for this request, the petitioner states several safety concerns related to the design changes associated with the HI–STORM 100 cask design, as well as safety concerns related to national security.

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Material Safety and Safeguards. As provided by § 2.206, appropriate action will be taken on this petition within a reasonable time. The petitioner participated in a telephone call with the Office of Nuclear Material Safety and Safeguards' Petition Review Board on March 29, 2002, to discuss the petition. The results of that discussion were considered in the Board's determination regarding the petitioner's request for immediate action and in establishing the schedule for review of the petition. By letter dated April 12, 2002, the Director denied the petitioner's request for immediate issuance of an order to suspend the dry cask storage program at the James A. FitzPatrick nuclear power plant. A copy of the petition is available for inspection in the Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 12th day of April, 2002.

For the Nuclear Regulatory Commission.

Margaret V. Federline,

Deputy Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 02–9732 Filed 4–19–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Omaha Public Power District (OPPD), Fort Calhoun Station, Unit 1; Notice of Acceptance for Docketing of the Application and Notice of Opportunity for a Hearing Regarding Renewal of License No. DPR–40 for an Additional Twenty-Year Period: Correction

The U.S. Nuclear Regulatory Commission (NRC or Commission) is considering an application for the renewal of Operating License No. DPR–40, which authorizes the Omaha Public Power District to operate Fort Calhoun Station, Unit 1 (FCS), at 1500 megawatts thermal. The renewed license would authorize the applicant to operate FCS for an additional 20 years beyond the period specified in the current license or forty years from the date of issuance of the new license, whichever occurs first. The current operating license for FCS expires on August 9, 2013.

The Omaha Public Power District submitted an application to renew the operating license for FCS, on January 11, 2002. A Notice of Receipt of Application, ''Omaha Public Power District (OPPD), Fort Calhoun Station, Unit 1; Notice of Receipt of Application for Renewal of Facility Operating License No. DPR–40 for an Additional 20-Year Period,'' was published in the **Federal Register** on February 12, 2002 (67 FR 6551).

The NRC staff has determined that the Omaha Public Power District has submitted information in accordance with 10 CFR 54.19, 54.21, 54.22, 54.23, and 51.53(c) that is complete and acceptable for docketing. The current Docket No. 50–285 for Operating License No. DPR–40, will be retained. The docketing of the renewal application does not preclude requesting additional information as the review proceeds, nor does it predict whether the Commission will grant or deny the application.

This notice is also being issued as a correction to an earlier notice entitled ''Omaha Public Power District (OPPD), Fort Calhoun Station, Unit 1; Notice of Receipt of Application for Renewal of Facility Operating License No. DPR–40 for an Additional 20-Year Period,'' issued on April 16, 2002 (67 FR 18639). The earlier notice contained an incorrect title and date. This notice provides the correct title as set forth in the heading of this document, and allows stakeholders until May 22, 2002 to file a request for hearing and a petition for leave to intervene (see below).

Before issuance of each requested renewed license, the NRC will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the NRC's rules and regulations. In accordance with 10 CFR 54.29, the NRC will issue a renewed license on the basis of its review if it finds that actions have been identified and have been or will be taken with respect to (1) managing the effects of aging during the period of extended operation on the functionality of structures and components that have been identified as requiring aging management review, and (2) time-limited aging analyses that have been identified as requiring review, such that there is reasonable assurance that the activities authorized by the renewed license will continue to be conducted in accordance with the current licensing basis (CLB) and that any changes made to the plant's CLB comply with the Act and the Commission's regulations.

Additionally, in accordance with 10 CFR 51.95(c), the NRC will prepare an environmental impact statement that is a supplement to the Commission's NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants '' (May 1996). Pursuant to 10 CFR 51.26, and as part of the environmental scoping process, the staff intends to hold a public scoping meeting. Detailed information regarding this meeting will be included in a future **Federal Register** notice. The Commission also intends to hold public meetings to discuss the license renewal process and the schedule for conducting the review. The Commission will provide prior notice of these meetings. As discussed further herein, in the event that a hearing is held, issues that may be litigated will be confined to those pertinent to the foregoing.

By May 22, 2002, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene with respect to the renewal of the licenses in accordance with the provisions of 10 CFR 2.714. Interested persons should consult a current copy of 10 CFR 2.714, which is available at the Commission's Public Document Room, 11555 Rockville Pike (first floor) Rockville, Maryland, and on the NRC

Web site at *http://www.nrc.gov/reading-rm.html* (the Electronic Reading Room). If a request for a hearing or a petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request(s) and/or petition(s), and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order. In the event that no request for a hearing or petition for leave to intervene is filed by the above date, the NRC may, upon completion of its evaluations and upon making the findings required under 10 CFR Parts 51 and 54, renew the licenses without further notice.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding, taking into consideration the limited scope of matters that may be considered pursuant to 10 CFR Parts 51 and 54. The petition must specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order that may be entered in the proceeding on the petitioner's interest. The petition must also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the board up to 15 days before the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days before the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene that must include a list of the contentions that the petitioner seeks to have litigated in the hearing. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of each contention and a concise statement of the alleged facts or the expert opinion that supports the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the action under consideration. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement that satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Requests for a hearing and petitions for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, 11555 Rockville Pike (first floor), Rockville, Maryland, 20852–2738, by the above date. A copy of the request for a hearing and the petition to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mr. Ross T. Ridenoure, Division Manager—Nuclear Operations, Omaha Public Power District, Fort Calhoun Station FC–2–4 Adm, Post Office Box 550, Fort Calhoun, Nebraska, 68023–0550.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions, and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

Detailed information about the license renewal process can be found under the nuclear reactors' icon of the NRC's Web page at *http://www.nrc.gov.*

A copy of the application is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or on the NRC Web site from the NRC's Agencywide Documents Access and Management System (ADAMS). The ADAMS Public Electronic Reading Room is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html.* The staff has verified that a copy of the license renewal application for Fort Calhoun Station, Unit 1 has been provided to the Blair Public Library located in Blair, Nebraska, and the W. Dale Clark Library in Omaha, Nebraska.

Dated at Rockville, Maryland, this 16th day of April, 2002.

For the Nuclear Regulatory Commission.

Pao-Tsin Kuo,

Program Director, License Renewal and Environmental Impacts, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

[FR Doc. 02–9888 Filed 4–19–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–26]

Pacific Gas and Electric Co.; Notice of Docketing, Notice of Proposed Action, and Notice of Opportunity for a Hearing for a Materials License for the Diablo Canyon Independent Spent Fuel Storage Installation

The Nuclear Regulatory Commission (NRC or Commission) is considering an application dated December 21, 2001, for a materials license under the provisions of 10 CFR part 72, from Pacific Gas and Electric (the applicant or PG&E) to possess spent fuel and other radioactive materials associated with spent fuel in an independent spent fuel storage installation (ISFSI) located in San Luis Obispo County. If granted, the license will authorize the applicant to store spent fuel in a dry storage cask system at the applicant's Diablo Canyon Power Plant (DCPP) site. Pursuant to the provisions of 10 CFR part 72, the term of the license for the ISFSI would be twenty (20) years.

This application was docketed under 10 CFR part 72. The ISFSI Docket No. is 72–26.

Prior to issuance of the requested license, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The issuance of the materials license will not be approved until the NRC has reviewed the application and has concluded that approval of the license will not be inimical to the common defense and security and will not constitute an unreasonable risk to the

health and safety of the public. The NRC will complete an environmental evaluation, in accordance with 10 CFR Part 51, to determine if the preparation of an environmental impact statement is warranted or if an environmental assessment and finding of no significant impact are appropriate. This action will be the subject of a subsequent notice in the **Federal Register**.

By thirty (30) days from the date of publication of this notice in the **Federal Register**, the applicant may file a request for a hearing; and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene with respect to the subject materials license. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 [1], which is available at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or electronically on the Internet at the NRC Web site *http://www.nrc.gov/reading-rm/doc-collections/cfr.* If there are problems in accessing the document, contact the PDR Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov.* If a request for hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order. In the event that no request for hearing or petition for leave to intervene is filed by the above date, the NRC may, upon satisfactory completion of all required evaluations, issue the materials license without further prior notice.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order that may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which the petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend a petition, without requesting leave of the Atomic Safety and Licensing Board up to 15 days prior to the holding of the first pre-hearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first pre-hearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the action under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

A request for a hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Document Control Desk or may be delivered to the Commission's Public Document Room, One White Flint North Building, 11555 Rockville Pike, Rockville, MD, by the above date. Because of continuing disruptions in delivery of mail to United States Government offices, it is requested that petitions for leave to intervene and requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to 301–415–1101 or by e-mail to *hearingdocket@nrc.gov.* A copy of the request for hearing and petition for leave to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and because of continuing disruptions in delivery of mail to United States Government offices, it is requested that copies be transmitted either by means of facsimile transmission to 301–415–3725 or by e-mail to *OGCMailCenter@nrc.gov.* A copy of the request for hearing and petition for leave to intervene should also be sent to Lawrence F. Womack, Vice President, Nuclear Services, Diablo Canyon Power Plant, P.O. Box 56, Avila Beach, California 93424. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the NRC by a toll-free telephone call (800–368–5642 Extension 415–8500) to E. William Brach, Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards, with the following message: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice.

Non-timely filings of petitions for leave to intervene, amended petitions, supplemental petitions, and/or requests for hearing will not be entertained absent a determination by the

[1] The most recent version of Title 10 of the Code of Federal Regulations, published January 1, 2002, inadvertently omitted the last sentence of 10 CFR 2.714(d) and subparagraphs (d)(1) and (2), regarding petitions to intervene and contentions. Those provisions are extant and still applicable to petitions to intervene. Those provisions are as follows: ''In all other circumstances, such ruling body or officer shall, in ruling on—

(1) A petition for leave to intervene or a request for hearing, considering the following factors, among other things:

(i) The nature of the petitioner's rights under the Act to be made a party to the proceeding.

(ii) The nature and extent of the petitioner's property, financial, or other interest in the proceeding.

(iii) The possible effect of any order that may be entered in the proceeding on the petitioner's interest.

(2) The admissibility of a contention, refuse to admit a contention if:

(i) The contention and supporting material fail to satisfy the requirements of paragraph (b)(2) of this section; or

(ii) The contention, if proven, would be of no consequence in the proceeding because it would not entitle petitioner to relief.''

Commission, the presiding Officer, or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

The Commission hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWPA), 42 U.S.C. 10154. Under section 134 of the NWPA, the Commission, at the request of any party to the proceeding, must use hybrid hearing procedures with respect to ''any matter which the Commission determines to be in controversy among the parties.''

The hybrid procedures in section 134 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules and the designation, following argument of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings are to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rules implementing section 134 of the NWPA are found in 10 CFR part 2, subpart K, ''Hybrid Hearing Procedures for Expansion of Spent Fuel Storage Capacity at Civilian Nuclear Power Reactors'' (published at 50 FR 41662 dated October 15, 1985). Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within ten (10) days of an order granting a request for hearing or petition to intervene. The presiding officer must grant a timely request for oral argument. The presiding officer may grant an untimely request for oral argument only upon a showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application must be conducted in accordance with the hybrid hearing procedures. In essence, those procedures limit the time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in an adjudicatory hearing. If no party to the proceeding timely requests oral argument, and if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR part 2, subpart G apply.

For further details with respect to this application, see the application dated December 21, 2001, which is available for public inspection at the Commission's Public Document Room, One White Flint North Building, 11555 Rockville Pike, Rockville, MD or from the publicly available records component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html* (the Public Electronic Reading Room). Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 12th day of April 2002.

For the Nuclear Regulatory Commission,

E. William Brach,

Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 02–9731 Filed 4–19–02; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon written request, copies available from: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension

Rule 101, SEC File No. 270–408, OMB Control No. 3235–0464

Rule 102, SEC File No. 270–409, OMB Control No. 3235–0467

Rule 103, SEC File No. 270–410, OMB Control No. 3235–0466

Rule 104, SEC File No. 270–411, OMB Control No. 3235–0465

Rule 17a–2, SEC File No. 270–189, OMB Control No. 3235–0201

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA) the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget requests for extension of the previously approved collections of information discussed below:

Rule 101 (Activities by Distribution Participants) and Rule 102 (Activities by Issuers and Selling Security Holders During a Distribution)

Rules 101 and 102 prohibit distribution participants, issuers, and selling security holders from purchasing activities at specified times during a distribution of securities. Persons otherwise covered by these rules may seek to use several applicable exceptions such as a calculation of the average daily trading volume of the securities in distribution, the maintenance of policies regarding information barriers between their affiliates, and the maintenance a written policy regarding general compliance with Regulation M for de minimus transactions. The Commission estimates that 1,358 respondents collect information under Rule 101 and that approximately 31,079 hours in the aggregate are required annually for these collections. In addition, the Commission estimates that 669 respondents collect information under Rule 102 and that approximately 1,569 hours in the aggregate are required annually for these collections.

Rule 103 (Nasdaq Passive Market Making)

Rule 103 permits passive market-making in Nasdaq securities during a distribution. A distribution participant that seeks use of this exception would be required to disclose to third parties its intention to engage in passive market making. The Commission estimates that 171 respondents collect information under Rule 103 and that approximately 171 hours in the aggregate are required annually for these collections.

Rule 104 (Stabilizing and Other Activities in Connection With an Offering)

Rule 104 permits stabilizing by a distribution participant during a distribution so long as the distribution participant discloses information to the market and investors. This rule requires disclosure in offering materials of the potential stabilizing transactions and that the distribution participant inform the market when a stabilizing bid is made. It also requires the distribution participants (*i.e.,* the syndicate manager) to maintain information regarding syndicate covering transactions and penalty bids. The Commission estimates that 519 respondents collect information under Rule 104 and that approximately 51.9 hours in the aggregate are required annually for these collections.

Rule 17a–2 (Recordkeeping Requirements Relating to Stabilizing Activities)

Rule 17a–2 requires underwriters to maintain information regarding stabilizing activities conducted in accordance with Rule 104. The Commission estimates that 519

respondents collect information under Rule 17a–2 and that approximately 2,595 hours in the aggregate are required annually for these collections.

The collections of information under Regulation M and Rule 17a–2 are necessary for covered persons to obtain certain benefits or to comply with certain requirements. The collections of information are necessary to provide the Commission with information regarding syndicate covering transactions and penalty bids. The Commission may review this information during periodic examinations or with respect to investigations. Except for the information required to be kept under Rule 104(i) and Rule 17a2(c), none of the information required to be collected or disclosed for PRA purposes will be kept confidential.

The recordkeeping requirement of Rule 17a–2 requires the information be maintained in a separate file, or in a separately retrievable format, for a period of three years, the first two years in an easily accessible place, consistent with the requirements of Exchange Act Rule 17a–4(f).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the agency displays a valid OMB control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503; and (ii) Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: April 12, 2002.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–9777 Filed 4–19–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45756; File No. SR–Amex–2002–29]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto by the American Stock Exchange LLC Relating to an Increase to Five Hundred Contracts in the Maximum Permissible Number of Nasdaq–100 Tracking Stock (QQQ) Option Contracts Executable Through AUTO–EX

April 15, 2002.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 [2] thereunder, notice is hereby given that on April 5, 2002, the American Stock Exchange LLC (''Amex'' or ''Exchange'') 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 the Exchange. On April 8, 2002, the Exchange filed Amendment No. 1 to the proposed rule change.[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

The Exchange proposes to amend Commentary .02 to Exchange Rule 933 to increase to 500 contracts the maximum permissible number of Nasdaq–100 Tracking Stock (''QQQ'') option contracts in an order that is executable through the Exchange's automatic execution system (''AUTO–EX''). The Exchange also proposes to amend Exchange Rule 933 to add new Commentary .03 to permit the Exchange, under certain circumstances, to immediately increase its AUTO–EX eligible order size to match the size of orders eligible for entry into the automated execution system of any other options exchange.

Below is the text of the proposed rule change. Proposed new language is *italicized.*

* * * * *

Automatic Execution of Options Orders

Rule 933

(a)–(b) No change.

Commentary

.01 No change.

.02 Auto-Ex eligible orders must be market or marketable limit orders for two hundred fifty or fewer contracts for series subject to Auto-Ex *except in the case of options on the Nasdaq–100 Tracking Stock (QQQ) which is limited to five hundred or fewer contracts.* Contract limits will be established on a case by case basis for an individual option class or for all option classes upon the approval of two Floor Governors or Senior Floor Officials. Notice concerning applicable size and types of Auto-Ex eligible orders will be provided to members periodically via Exchange circulars and/or posted on the Exchange's web site.

.03 Notwithstanding the provisions of Commentary .02 above, the size of auto-ex eligible orders in one or more classes of multiply-traded options may be increased to the extent necessary to match the size of orders in options of the same class or classes eligible for entry into the automatic execution system of any other options exchange, provided that the effectiveness of any such increase shall be conditioned upon its having been filed with the Securities and Exchange Commission pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934.

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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 Exchange 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. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter from Jeffrey P. Burns, Assistant General Counsel, Amex, to Nancy Sanow, Assistant Director, Division of Market Regulation, Commission, dated April 5, 2002 (''Amendment No. 1''). In Amendment No. 1, the Amex amended its initial filing to limit the increase in AUTO–EX eligible order size to 500 contracts for QQQ option contracts only, and requested that the filing be re-characterized as a ''noncontroversial'' rule change under Rule 19b–4(f)(6) of the Act, 17 CFR 240.19b–4(f)(6).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On March 22, 2002, the Commission granted approval to an Exchange proposal increasing to 250 contracts, the maximum permissible number of equity and index option contracts in an order that can be executed through AUTO–EX.[4] At the same time, the Commission also approved similar proposals filed by the Philadelphia Stock Exchange, Inc. (''Phlx'') and the Pacific Exchange, Inc. (''PCX''), although in the case of the Phlx proposal, the increase to 250 contracts was limited to options on the QQQ.[5] In the interim, the Chicago Board Options Exchange, Inc. (''CBOE'') on April 4, 2002, in various press reports indicated that, effective immediately, orders in the QQQ options of up to 500 contracts were eligible for instantaneous execution on the CBOE's Retail Automated Execution System (''RAES''). Previously, the maximum order size for QQQ options on the CBOE was 100 contracts. The Exchange represents that the ability of the CBOE to increase their RAES-eligible size to 500 contracts is presumably based on an approval from the Commission relating to the dissemination of options quotations with size.[6]

The Exchange represents that, as a result, the CBOE amended CBOE Rule 6.8(c)(v) so that the eligible order size may be set as the disseminated size for options classes in which the Exchange disseminates options quotations with size. However, the Exchange states that, as indicated in Interpretation .09 to CBOE Rule 6.8, the number of contracts that may receive automatic execution on CBOE at its disseminated price may not exceed the disseminated size in that series. In addition, the Exchange understands that the number of contracts receiving automatic execution on CBOE for the disseminated size would decrease by the number of contracts that received a prior automatic execution at that price. At the point where the number of contracts receiving automatic execution on CBOE at a particular price exhausts the accompanying dissemination size for that series, subsequent orders that are otherwise eligible for CBOE's RAES would not execute automatically for 30-seconds. Instead, they would be re-routed to the designated primary market maker (''DPM'') via the CBOE's Public Automated Routing System (''PAR''), Booth Automated Routing System (''BART'') or Live Ammo, CBOE's electronic screen display of market orders or limit orders that improve the market.

The Amex believes that its proposal to increase to 500 contracts the maximum permissible number of QQQ option contracts in an order executable through AUTO–EX is required to ensure a more level playing field among options exchanges for QQQ options. Therefore, the Exchange believes that the proposed rule change is immediately effective upon filing pursuant to Section 19(b)(3)(A)[7] of the Act and Rule 19b–4(f)(6) thereunder.

In addition, the Exchange seeks to amend Exchange Rule 933 by adding new Commentary .03 to permit an immediate increase in its AUTO–EX eligible size to match the size of orders in multiply-listed options of the same class or classes eligible for entry into the automated execution system of any other options exchange, provided that a filing is made with the Commission under Section 19(b)(3)(A) of the Act.

2. Statutory Basis

The Exchange believes that the proposed rule change, as amended, is consistent with Section 6(b) of the Act[8] in general and furthers the objectives of Section 6(b)(5) of the Act[9] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

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

Because the proposed rule change, as amended, (1) does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days from the date of filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii), [10] the Commission may designate a shorter time if such action is consistent with the protection of investors and public interest. The Exchange seeks to have the proposed rule change become operative as of April 5, 2002, in order to allow it to implement the increase to the maximum permissible number of QQQ option contracts executable through the AUTO–EX system. The Amex further believes that an operative date of April 5, 2001 is necessary so that trading in QQQ options does not hinge on a regulatory advantage, but instead remains competitive. In addition, under Rule 19b–4(f)(6)(iii), the Exchange is required to provide the Commission with written notice of its intent to file the proposed rule change at least five business days prior to the filing date or such shorter time as designated by the Commission.

The Commission, consistent with the protection of investors and the public interest, has waived the five-day pre-notice and thirty-day operative date requirements for this proposed rule change, and has determined to make the proposed rule change, as amended, become operative as of April 5, 2002, to allow the Amex to compete with the CBOE, which currently has a maximum automatic execution eligibility limit of 500 contracts in QQQ options contracts.[11] At any time within 60 days

[4] *See* Securities Exchange Act Release No. 45628 (March 22, 2002), 67 FR 15262 (March 29, 2002).

[5] *See* Securities Exchange Act Release Nos. 45629 (March 22, 2002), 67 FR 15271 (March 29, 2002) (order approving File No. SR–Phlx–2001–89); and 45641 (March 25, 2002), 67 FR 15445 (April 1, 2002) (order approving File No. SR–PCX–2001–48).

[6] *See* Securities Exchange Act Release Nos. 45490 (March 1, 2002), 67 FR 10778 (March 8, 2002) (notice of filing of File No. SR–CBOE–2001–70); and 45676 (March 29, 2002), 67 FR 16478 (April 5, 2002) (order approving File No. SR–CBOE–2001–70).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] For the purposes only of accelerating the operative date of this proposal, the Commission has

of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[12]

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 will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR–Amex–2002–29 and should be submitted by May 13, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

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considered the proposed rules impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[12] For purposes of calculating the 60 day abrogation period, the Commission considers the period to commence on April 8, 2002, the date that the Exchange filed Amendment No. 1.

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45757; File No. SR–CBOE–99–45]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Order Granting Partial Approval of Proposed Rule Change and Amendment No. 2 Thereto To Clarify Certain Aspects of Interpretation and Policy .02 to CBOE Rule 6.8

April 15, 2002.

On August 19, 1999, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to clarify certain aspects of Interpretation and Policy .02 to CBOE Rule 6.8. On December 28, 1999, the proposed rule change was published for comment in the **Federal Register**.[3] On November 19, 2001, the Exchange amended the proposal to establish criteria to describe the circumstances in which Exchange Floor Officials may determine that quotes from one or more markets in one or more particular classes of options are not reliable, and, thus, may be excluded from CBOE's Retail Automatic Execution System (''RAES'') determination of the National Best Bid and Offer (''NBBO'').[4] The proposed rule change, as amended, was published for comment in the **Federal Register** on January 8, 2002.[5] The Commission received one comment letter on the amended proposal from the International Securities Exchange LLC (''ISE'').[6] The Commission is granting approval to that portion of the proposal that: (i) Allows two Floor Official to determine that quotes in one or more particular options classes in a market are not reliable and thus may be excluded from the NBBO under the following two circumstances: (a) where a market confirms that its quotes are not firm based upon direct communication to CBOE from the market or the dissemination through OPRA of a message indicating that disseminated quotes are not firm; or (b) where a market directly communicates to CBOE or otherwise confirms that it is experiencing systems or other problems affecting the reliability of its disseminated quotes; (ii) sets forth the procedures to be followed once a determination of unreliability has been made; (iii) sets forth when such determination will expire; (iv) sets forth the documentation and reporting requirements as a result of such determination; and (v) relabels a portion of the current Interpretation .02(a) text as .02(b) and relabels the current Interpretation .02(b) text as .02(c) (together, the ''Confirmed Unreliable Quote and Related Procedures Portion'').

I. Description of Proposal

The CBOE proposed that two Floor Officials could determine that quotes in one or more particular option classes in a market were not reliable and thus could be excluded from the NBBO determination under any of the following circumstances: (a) Receipt of direct communication from the market or dissemination through OPRA of a message indicating that the exchange's disseminated quotes are not firm; (b) direct communication or confirmation from another market that it is experiencing systems or other problems affecting the reliability of its disseminated quotes; (c) one or more Floor Officials observe that six or more option series in a particular options class are crossed or locked with the disseminated quotes of two or more other markets, and continue to be crossed or locked for 30 seconds or more (and are crossed or locked at the time Floor Officials determine to exclude the quote from the determination of the NBBO); or (d) a Floor Official observes any of the following: (1) One or more orders originating from an exchange's designated market maker or market maker for a particular options class that are filled by the market at a worse price than its disseminated quote without a required quote change; (2) one or more market orders or marketable limit orders originating from an exchange's designated market maker or market maker for a particular options class that are confirmed to be unfilled or partially unfilled by the market without a required quote change; or (3) one or more market orders or marketable limit

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 42256 (December 20, 1999), 64 FR 72707 (December 28, 1999).

[4] *See* letter from Joanne Moffic-Silver, General Counsel and Corporate Secretary, Legal Department, CBOE to Stephen M. Cutler, Director, Division of Enforcement, Commission, Annette L. Nazareth, Director, Division of Market Regulation, Commission, and Lori A. Richards, Director, Office of Compliance, Inspections and Examination, Commission, dated November 19, 2001 (''Amendment No. 2'').

[5] *See* Securities Exchange Act Release No. 45221 (January 2, 2002), 67 FR 947.

[6] *See* letter from Michael J. Simon, Senior Vice President and Secretary, ISE, to Mr. Jonathan G. Katz, Secretary, Commission, dated January 23, 2002.

orders originating from an exchange's designated market maker or market maker for a particular options class partially filled by a responsible broker or dealer at a worse price than its disseminated quote, followed by a quote change and a redisplay of the previously disseminated quote by the same responsible broker or dealer in less than 30 seconds.

CBOE proposed that in all instances where Floor Officials exclude a market or any of its quotes from the determination of the NBBO due to quote unreliability, the Exchange Control Room would promptly notify the market of the action and continue to actively monitor the reliability of the excluded quotes in consultation with Floor Officials. Any determination to exclude a market or any of its quotes pursuant to (a) or (b) would expire at the end of the trading day, or at such time as the quotes were confirmed by the market to be reliable again '' whichever occurs first. Any determination to exclude a market or any of its quotes pursuant to (c) and (d) would expire not later than 30 minutes after the initial determination, unless two Floor Officials determine that the excluded quotes continue to be unreliable, in which case the quotes would continue to be excluded for an additional period of time, not to exceed 30 minutes pending further Floor Official review.

Pursuant to CBOE's proposal, exclusion of a market or its quotes from the determination of the NBBO would be reported to Exchange member firms.

In addition, CBOE stated that pursuant to CBOE Rule 8.51(e), CBOE is required to document in its Control Room log any action taken to disengage RAES or to operate RAES in a manner other than normal, the option classes affected by such action, the time such action was taken, the Exchange officials who undertook such action, and the reasons why such action was taken. Therefore, any determination by Floor Officials to exclude unreliable quotes from the NBBO would be documented in the Exchange's Control Room log.

CBOE's proposal also relabeled a portion of the current Interpretation .02(a) text as .02(b) and relabeled the current Interpretation .02(b) text as .02(c).

II. Summary of ISE Comment Letter and CBOE Response

A. ISE Comment Letter

In its comment letter, ISE stated that it believed CBOE's proposal was motivated by CBOE's frustration with its inability to ''clear'' the superior quotes on other markets due to the bifurcated application of the Commission's Quote Rule [7] on the options exchanges: a responsible broker or dealer has to be firm for its disseminated quotation up to its stated size only for customers and may be firm for non-customers at the disseminated quotation for only one contract. As a result, a designated primary market maker (''DPM'') on the CBOE floor cannot access a superior quote on another exchange's floor for more than one contract, and therefore, cannot ''clear'' that superior quote to execute a customer order at the inferior price disseminated by the CBOE.

However, ISE also stated that excluding quotations from an exchange's NBBO is appropriate in the first three instances proposed by the CBOE: When an exchange designates a quotation as ''non-firm'' through OPRA; when an exchange specifically confirms to the CBOE that it is experiencing systems or other problems; and when there are widespread locked or crossed markets. ISE stated that in those limited circumstances there is clear, objective evidence that an exchange's disseminated quotation is suspect and that a customer may not receive an execution at that quotation if the customer's order were routed directly to that exchange. ISE also stated that excluding quotations from the NBBO in these three situations would be consistent with the intermarket options linkage plan approved by the Commission in July 2000 (''Linkage Plan'').[8] The Linkage Plan exempts an exchange member from liability for trading through the quote of another market if the quote is non-firm or if there is a systems or equipment failure. The Linkage Plan also provides procedures requiring an exchange to unlock or uncross a market, which the ISE believes indicates that the dissemination of a locked or crossed market will be fleeting and likely will not be accessible for any length of time.

However, the ISE also expressed its concern that CBOE might abuse the application of these provisions. Specifically, ISE was concerned with CBOE removing the entire ISE market from its NBBO, instead of only removing unreliable quotes, due to CBOE's technical limitations. In addition, ISE stated that the remainder of CBOE's proposal raised serious legal and policy questions. ISE believes that although the proposed exclusions from the NBBO based on documented firm quote issues would not affect the ISE, they are contrary to the requirements of the Act and are inconsistent with the Linkage Plan. If a member of any exchange fails to honor its quotation, or does not properly fade its quotation under the rules of the member's exchange, ISE believes that a customer of another exchange should not suffer an inferior execution. Rather, that member is violating the rules of the exchange and is subject to disciplinary action. ISE expects that the CBOE staff would call such action to the attention of the offending exchange, and that exchange would take prompt regulatory action. In addition, ISE pointed out that the Linkage Plan does not except from liability a CBOE member that trades-through a quotation on another exchange due to previous instances of an exchange member failing to honor or fade its quotation.

The ISE also explained its anonymous, auction-based, electronic competitive market maker system, in which if an ISE market maker does not execute an order to the full size of the market maker's quotation available to customers, the ISE system automatically fades the reminder of the market maker's quotation. Absent a change in the price of the underlying security, the market maker is prohibited from reinstating that quotation for 30 seconds. However, ISE explained that its quote could stay the same for three permitted reasons: (i) A market maker other than the market maker that executed the original trade could quote at the price of the previous execution; (ii) an Electronic Access Member could enter a limit order on the book at the price of the previous execution; or (iii) the price of the underlying security could change and the market maker that executed the original trade could change its quotation to its previous price. ISE noted that whether a new ISE quote at the price of a previous execution is a permitted quote change or the result of an ISE market maker inappropriately requoting at that price cannot be accurately ascertained outside of ISE's market. Therefore, ISE is concerned that CBOE floor officials will wrongfully assume that ISE members are reentering quotations within 30 seconds, and will inappropriately exclude ISE quotations from the CBOE NBBO, which will deny customers the opportunity to achieve the best execution of their orders.

Finally, ISE stated that the intermarket linkage will permit CBOE market makers to access superior quotations of other markets, which will eliminate any need for CBOE's proposal. ISE further stated that the delay in implementation of the linkage should not be used to justify CBOE's proposal

[7] Rule 11Ac1–1 under the Act, 17 CFR 240.11Ac1–1.

[8] *See* Securities Exchange Act Release No. 43086 (July 28, 2000), 65 FR 48023 (August 4, 2000).

since the delay is due to CBOE and the interim linkage currently operating provides CBOE with much the same protection as CBOE's proposal.

B. CBOE's Response

On February 28, 2002, CBOE submitted a letter responding to ISE's comment letter.[9] In its letter, CBOE disagreed with ISE's assertions that CBOE's proposal was motivated by CBOE's inability to ''clear'' superior quotations on other exchanges. CBOE explained that its proposal was designed to eliminate unreliable quotes that result in an inaccurate NBBO because an unreliable NBBO distorts marketplace pricing and can lead to missed executions. CBOE noted that it has refined its systems and no longer removes all ISE quotations for an occurrence of non-firm quotes occurring in just one options class.

With respect to ISE's argument that CBOE's proposal conflicts with the Linkage Plan, CBOE noted that the Linkage Plan is not operational yet and will not be in place until next year. Until the permanent linkage is implemented, CBOE believes it would be unreasonable to apply strictly the provisions of the Linkage Plan to the operation of the options market because without the permanent linkage, it is very difficult for a market maker to test the reliability of a quote in an away market in a quick and efficient manner. Once the permanent linkage is operational, CBOE agrees that the fourth group of exclusions in its proposal need not be broader than the allowable trade-through circumstance in the Linkage Plan. CBOE also stated that the interim linkage is insufficient to address unreliable quotes because such arrangements do not allow DPMs to submit proprietary orders to the auto-execution systems of the linked exchange and thus, do not enable DPMs to efficiently probe the reliability of the quote in the away market. In addition, the interim linkage only covers a small minority of options.

With respect to ISE's objections to the portion of CBOE's proposal relating to firm quote circumstances, CBOE argues that the proposal is designed to prevent a customer from receiving an inferior execution because the alleged ''superior'' quote is not obtainable. With respect to ISE's objection to the part of CBOE's proposal relating to the redisplay of a quote within 30 seconds, CBOE believes ISE wants to be held to a different standard from the other options exchanges merely because it is electronic. CBOE notes that although ISE market makers each enter their own quotes, the ISE publishes a collective quote. CBOE states that ISE's collective quote should be held accountable for adherence to trade or fade because individual market makers on ISE do not have to interact with a DPM order. CBOE believes that if the entire DPM order were exposed to all market makers on ISE it might receive a complete fill, thus obviating the need to fade a quote, or not, in which case the quote should be faded.

III. Discussion

The Commission finds that the Confirmed Unreliable and Related Procedures Portion of the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange [10] and, in particular, the requirements of section 6 of the Act [11] and the rules and regulations thereunder. The Commission finds that the proposed rule change is consistent with section 6(b)(5) of the Act [12] because it provides objective criteria and well-defined procedures for excluding an unreliable quote from CBOE's determination of the NBBO, which should increase the likelihood that only unreliable quotes will be excluded from the CBOE's determination of the NBBO. Specifically, the Commission notes that the floor officials' determination to exclude unreliable quotes contained in the Confirmed Unreliable Quote and Related Procedures Portion of the proposal is limited to circumstances in which the away market has either directly communicated or confirmed that its quotes are unreliable. In this way, the discretion afforded to CBOE floor officials to determine that another market's options quotes are unreliable is appropriately limited. Moreover, the recordkeeping requirements and other procedures proposed in the Confirmed Unreliable Quote and Related Procedures Portion of the proposal are not unreasonable.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[13] that the portion of the amended proposed rule change set forth above as the Confirmed Unreliable Quote and Related Procedures Portion of the proposal (SR–CBOE–99–45) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

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[9] *See* letter from Joanne Moffic-Silver, General Counsel and Corporate Secretary, Legal Department, CBOE, to Jonathan G. Katz, Secretary, Commission, dated February 25, 2002.

[10] In approving this proposed rule change, the Commission notes that it has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[11] 15 U.S.C. 78f.

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78s(b)(2).

[14] 17 CFR 200.30–2(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45755; File No. SR–CHX–2002–10]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Stock Exchange, Incorporated to Extend a Pilot Rule Interpretation Relating to Trading of Nasdaq/NM Securities in Subpenny Increments

April 15, 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 April 10, 2002, the Chicago Stock Exchange, Incorporated (''CHX'' or ''Exchange'') 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 the Exchange. The Exchange filed the proposal pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(6) [4] thereunder, which renders the proposal effective upon filing with the Commission. 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 extend through September 30, 2002, the pilot rule interpretation relating to the trading of Nasdaq/NM securities in subpenny increments. The pilot is due to expire on April 15, 2002. The CHX does not propose to make any substantive or typographical changes to the pilot; the only change is an extension of the pilot's expiration date through September 30, 2002. The text of the proposal is available at the Commission and at the CHX.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6). The Commission waived the 5-day pre-filing notice requirement.

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 CHX included statements concerning the purpose of and basis for its proposal and discussed any comments it received regarding the proposal. The text of these statements may be examined at the places specified in Item IV below. The CHX 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

On April 6, 2001, the Commission approved, on a pilot basis through July 9, 2001, a pilot rule interpretation (CHX Article XXX, Rule 2, Interpretation and Policy .06 ''Trading in Nasdaq/NM Securities in Subpenny Increments'') [5] that requires a CHX specialist (including a market maker who holds customer limit orders) to better the price of a customer limit order in his book which is priced at the national best bid or offer (''NBBO'') by at least one penny if the specialist determines to trade with an incoming market or marketable limit order. The pilot was extended on three occasions and is now due to expire on April 15, 2002.[6] The CHX now proposes to extend the pilot through September 30, 2002. The CHX proposes no other changes to the pilot, other than extending it through September 30, 2002.

2. Statutory Basis

The CHX believes the proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b).[7] In particular, the CHX believes the proposal is consistent with Section 6(b)(5) of the Act [8] in that it is designed to promote just and equitable principles of trade, to remove impediments to, and to perfect the mechanism of, a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or 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 [9] and Rule 19b–4(f)(6) thereunder.[10] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

The Exchange has requested that the Commission waive both the 5-day notice and 30-day pre-operative requirements contained in Rule 19b–4(f)(6).[11] The Commission finds good cause to designate the proposal both effective and operative upon filing with the Commission because such designation is consistent with the protection of investors and the public interest. Acceleration of the operative date will allow the pilot to continue uninterrupted through September 30, 2002, and allow the Commission to further study the trading of Nasdaq/NM securities in subpenny increments. For these reasons, the Commission finds good cause to designate that the proposal is both effective and operative upon filing with the Commission.[12]

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 such filing will also be available for inspection and copying at the principal office of the CHX. All submissions should refer to file number SR–CHX–2002–10 and should be submitted by May 13, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–9782 Filed 4–19–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45763; File No. SR–NASD–2002–08]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto by the National Association of Securities Dealers, Inc. Relating to the Permanent Establishment of a Minimum Quotation Increment for Nasdaq Securities Quoting in Decimals

April 16, 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 January 15, 2002, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association''), through its subsidiary The Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''SEC'' or

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[5] *See* Securities Exchange Act Release No. 44164 (April 6, 2001), 66 FR 19263 (April 13, 2001) (SR–CHX–2001–07).

[6] *See* Securities Exchange Act Release No. 44535 (July 10, 2001), 66 FR 37251 (July 17, 2001)(SR–CHX–2001–15); Securities Exchange Act Release No. 45062 (November 15, 2001), 66 FR 58768 (November 23, 2001)(SR–CHX–2001–21); Securities Exchange Act Release No. 45386 (February 1, 2002), 67 FR 6062 (February 8, 2002) (SR–CHX–2002–02).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6).

[11] *Id.*

[12] 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).

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq. On March 28, 2002, Nasdaq amended the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to amend NASD Rule 4613 to permanently adopt a $0.01 minimum quotation increment for Nasdaq securities as required under the Decimals Implementation Plan for the Equities and Options Markets (''Implementation Plan'' or ''Plan'')[4] submitted to the Commission on July 26, 2000.[5]

The text of the proposed rule change, as amended, appears below. New text is in italics; deletions are in brackets.

* * * * *

4613. Character of Quotations

(a) Two-Sided Quotations

(1) No change.

(A) No change.

(B) Minimum Price Variation for Decimal-based Quotations—The minimum quotation increment for *Nasdaq* securities authorized for decimal pricing [as part of the SEC-approved Decimals Implementation Plan for the Equities and Options Markets] shall be $0.01. Quotations failing to meet this standard shall be rejected.

(b) through (e) No change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq 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

On July 26, 2000,[6] the NASD, jointly with other self-regulatory organizations, submitted to the Commission the Implementation Plan.[7] As part of the Plan, the NASD committed to file with the Commission a proposal to permanently establish a minimum quotation increment for Nasdaq securities quoting in decimals.[8] This filing seeks to establish that minimum quotation increment at $0.01 for Nasdaq issues. The proposed rule change would permit Nasdaq to continue to display and disseminate quotations in Nasdaq securities in decimal-based increments to two places beyond the decimal point (*i.e.*, to the penny). This proposed rule change again informs market participants that decimal quotations submitted to Nasdaq that do not comport with the penny minimum quotation increment standard will be rejected by Nasdaq systems.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of section 15A of the Act,[9] in general, and with section 15A(b)(6) of the Act,[10] in particular, in that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating 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.

B. Self-Regulatory Organization's Statement on Burden on Competition

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.

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.

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 Nasdaq 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 NASD. All submissions should refer to File No. SR–NASD–2002–08 and should be submitted by May 13, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–9778 Filed 4–19–02; 8:45 am]

BILLING CODE 8010–01–P

[3] *See* letter from Thomas P. Moran, Associate General Counsel, Nasdaq, to Katherine A. England, Assistant Director, Division of Market Regulation (''Division''), Commission, dated March 28, 2002 (''Amendment No. 1''). In Amendment No. 1, Nasdaq made technical corrections to the proposed rule text.

[4] *See* letter from Dennis L. Covelli, Vice President, New York Stock Exchange, Inc., to Annette Nazareth, Director, Division, Commission dated July 25, 2000.

[5] This date was changed from July 24, 2000, to reflect the actual date the Plan was submitted to the Commission. Telephone conversation between Thomas P. Moran, Associate General Counsel, Nasdaq, and Frank N. Genco, Attorney, Division, Commission, on January 31, 2002.

[6] *See* supra note 5.

[7] *See* supra note 4.

[8] Nasdaq currently operates using this same one-penny minimum quotation standard. *See* Securities Exchange Act Release No. 43876 (January 23, 2001), 66 FR 8251 (January 30, 2001) (SR–NASD–2001–07).

[9] 15 U.S.C. 78o–3.

[10] 15 U.S.C. 78o–3(b)(6).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45758; File No. SR–Phlx–2001–40]

Self-Regulatory Organizations; Order Approving a Proposed Rule Change and Amendment Nos. 1, 2, 3, and 4 Thereto and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 5 Thereto by the Philadelphia Stock Exchange, Inc. Establishing a Six-Month Pilot Program Relating to Broker-Dealer Access to AUTOM

April 15, 2002.

I. Introduction

On May 2, 2001, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Exchange Rule 1080, Philadelphia Stock Exchange Automated Options Market (''AUTOM'') and Automated Execution System (''AUTO-X''), to permit access to AUTOM, the Exchange's options order routing, delivery, execution and reporting system, to off-floor broker-dealers on a six-month pilot basis. On July 26, 2001, the Exchange filed Amendment No. 1[3] to the proposed rule change with the Commission. On November 29, 2001, the Exchange filed Amendment No. 2[4] to the proposed rule change with the Commission. On February 1, 2002, the Exchange filed Amendment No. 3[5] to the proposed rule change with the Commission. On February 20, 2002, the Exchange filed Amendment No. 4[6] to the proposed rule change with the Commission. The substance of these Amendments was described in the notice of this proposed rule change, which was published for comment in the **Federal Register** on March 7, 2002.[7] No comments were received on the proposed rule change. On April 15, 2002, the Exchange filed Amendment No. 5[8] to the proposed rule change with the Commission. This order approves the proposed rule change, as amended, for a pilot period of six months through October 15, 2002, and issues notice of filing and approves Amendment No. 5 to the proposed rule change on an accelerated basis.

II. Description of the Proposal

Exchange Rule 1080 governs the operation of AUTOM, the Exchange's automated order routing, delivery, execution and reporting system for options. This proposed rule change would permit off-floor broker-dealers,[9] on a six-month pilot basis and subject to certain restrictions, to have electronic access to the specialist's limit order book[10] through AUTOM. The proposed rule change would also allow off-floor broker-dealer orders to be automatically executed on AUTO–X, the automatic execution feature of AUTOM, under certain conditions.

The proposal generally permits certain off-floor broker-dealer limit orders for up to 200 contracts, depending on the option, to be eligible for AUTOM order delivery on an issue-by-issue basis, subject to the approval of the Options Committee. The Exchange's Options Committee may increase the eligible order delivery size to an amount above 200 contracts on an issue-by-issue basis. Specifically, the proposed rule change provides that the following types of off-floor broker-dealer limit orders are eligible for AUTOM order delivery: day, GTC, simple cancel, simple cancel to reduce size (cancel leaves), cancel to change price, and cancel with replacement order.[11]

Proposed Commentary .05 establishes certain conditions and restrictions on the new use of AUTOM. First, the proposed rule states that off-floor broker-dealer orders must be represented on the Exchange floor by a floor member; such a floor member may be a floor broker or the specialist. Second, the proposal provides that off-floor broker-dealer orders delivered via AUTOM shall be for a minimum size of one (1) contract.

Third, proposed Commentary .05 states that the restrictions and prohibitions concerning electronically generated orders set forth in Exchange Rule 1080(i)[12] and off-floor market makers set forth in Exchange Rule 1080(j)[13] apply to orders entered for the account(s) of off-floor broker-dealers.

Fourth, proposed Commentary .05 provides that off-floor broker-dealer limit orders entered via AUTOM establishing a bid or offer may establish priority, and the specialist and crowd may match such a bid or offer and be at parity. Off-floor broker-dealer orders, however, are subject to the priority yielding provisions set forth in Exchange Rule 1014.[14] Fifth, the

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4

[3] *See* letter to Nancy J. Sanow, Senior Special Counsel, Division of Market Regulation (''Division''), SEC, from Richard s. Rudolph, Counsel, Phlx, dated July 25, 2001 (''Amendment No. 1'').

[4] *See* letter to Nancy J. Sanow, Senior Special Counsel, Division, SEC, from Richard S. Rudolph, Counsel, Phlx, dated November 28, 2001 (''Amendment No. 2'').

[5] *See* letter to Nancy J. Sanow, Senior Special Counsel, Division, SEC, from Richard S. Rudolph, Counsel, Phlx, dated January 31, 2002 (''Amendment No. 3'').

[6] *See* letter to Nancy J. Sanow, Senior Special Counsel, Division, SEC, from Richard S. Rudolph, Counsel, Phlx, dated February 19, 2002 (''Amendment No. 4'').

[7] *See* Securities Exchange Act Release NO. 45485 (February 27, 2002), 67 FR 10465.

[8] *See* letter to Nancy J. Sanow, Senior Special Counsel, Division, SEC, from Richard S. Rudolph, Counsel, Phlx, dated April 12, 2002 (''Amendment No. 5''). In Amendment No. 5, the Exchange proposes to add clarifying language to the proposed rule text providing that off-floor broker-dealer AUTO-X eligible limit orders may be eligible for the Exchange's NBBO Step-Up Feature on an issue-by-issue basis, subject to the approval of the Exchange's Options Committee.

[9] In Amendment No. 3, the Exchange clarified that the proposed rule change applies only to off-floor broker-dealer limit orders. The Exchange noted that on-floor broker-dealer limit orders (such as those entered via electronic interface with AUTOM by registered options traders (''ROTs'') and specialists) would be governed by a separate proposed rule change that the Exchange has filed with the Commission and which is currently pending. *See* File No. SR–Phlx–2002–04. Thus, orders from specialists and ROTs would not be eligible for AUTOM or AUTO–X under this proposed rule change.

[10] The electronic ''limit order book'' is the Exchange's automated specialist limit order book, which accepts book eligible orders that are automatically routed by AUTOM to the book and displays orders real-time in order of price-time priority. Orders not delivered through AUTOM may also be entered onto the limit order book. *See* Exchange Rule 1080, Commentary .02.

[11] The Exchange stated that market makers from other markets could elect either to submit orders via AUTOM or via the proposed Plan for the Purpose of Creating and Operating an Intermarket Option Linkage (''Linkage'').

[12] Exchange Rule 1080(i) prohibits members from entering, permitting, or facilitating the entry of orders into AUTOM if those orders are created and communicated electronically without manual input (*i.e.,* order entry by public customers or associated persons of members must involve manual input such as entering the terms of an order into an order-entry screen or manually selecting a displayed order against which an off-setting order should be sent). *See* Securities Exchange Act Release No. 43376 (September 28, 2000), 65 FR 59488 (October 5, 2000) (approving Exchange Rule 1080(i)) (SR–Phlx–00–79).

[13] Exchange Rule 1080(j) prohibits members from entering, or facilitating the entry into AUTOM, as principal or agent, limit orders in the same options series from off the floor of the Exchange, for the account or accounts of the same or related beneficial owners, in such a manner that the off-floor member or the beneficial owner(s) effectively is operating as a market maker by holding itself out as willing to buy and sell such options contract on a regular or continuous basis. *See* Securities Exchange Act Release No. 43939 (February 7, 2001) (approving Exchange Rule 1080(j)) (SR–Phlx–01–05).

[14] Exchange Rule 1014(g) provides that orders on controlled accounts must yield priority to customer orders, but are not required to yield priority to other controlled accounts. Thus, under proposed Commentary .05(ii), if an off-floor broker-dealer limit order entered via AUTOM establishes priority, and a customer order is entered into the limit order book at the same price, the off-floor broker-dealer limit order would be required to yield priority to

proposal provides that off-floor broker-dealer limit orders that are eligible for execution via AUTO–X entered via AUTOM for the account(s) of the same beneficial owner may not be entered in options on the same underlying security more frequently than every 15 seconds.[15]

The proposed rule change requires specialists to accept off-floor broker-dealer day or GTC orders, and to allow them to be automatically executed via AUTO–X. Additionally, the proposal would allow the AUTO–X guarantee for off-floor broker-dealer limit orders to be for a different number of contracts, on an issue-by-issue basis, than the AUTO–X guarantee for public customer orders, subject to the approval of the Options Committee.

Finally, the Exchange proposes to permit off-floor broker-dealer orders that are eligible for AUTO–X to be eligible for the Exchange's National Best Bid or Offer (''NBBO'') Step-Up Feature. The Exchange's Options Committee would approve options for the NBBO Step-Up Feature for off-floor broker-dealer orders on an issue-by-issue basis. [16]

III. Discussion

After careful review, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[17] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[18] which requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market, and to protect investors and the public interest.

The Commission finds that the proposed rule change should allow the Exchange to improve the efficiency with which orders for the account(s) of off-floor broker-dealers are currently executed. Currently, off-floor broker-dealer orders only have access to the limit order book manually and are not eligible to receive automatic execution in AUTO–X. By providing off-floor broker-dealers with access to AUTOM and AUTO–X, the Exchange should enhance executions and provide a better audit trail for these orders. Specifically, off-floor broker-dealer orders that are AUTO–X eligible should receive faster executions. Further, orders residing in the limit order book would now be exposed to more contra-side interest from off-floor broker-dealers in a more timely and efficient fashion, which should enhance the execution of booked orders. In addition, by providing prompt execution for off-floor broker-dealer orders, the proposal may help attract off-floor broker-dealer options orders to the Exchange, and thus help to improve the depth and liquidity of the Exchange's options market.

The Commission believes that it is reasonable for the Exchange to permit off-floor broker-dealer orders to interact with the electronic limit order book and be eligible for execution on AUTO–X, provided the relevant Phlx systems have sufficient capacity and retail customers are not adversely affected. In this regard, the Exchange has represented that its systems are capable of processing the potential increased order flow through AUTOM and AUTO–X.[19] The Commission expects that during the six-month pilot period, the Exchange will monitor, AUTOM, its electronic limit order book and AUTO–X in light of the addition of off-floor broker-dealer orders and will implement any necessary system enhancements to accommodate any increase in volume resulting from this proposal.

The Commission notes that the Exchange has specifically clarified that off-floor broker-dealer orders are subject to the priority-yielding provisions of Exchange Rule 1014(g)(1).[20] The Commission believes that this requirement of the proposal should ensure that retail customers are not adversely affected, and should promote investor protection by retaining customers orders' priority on the book.

In addition, the Commission believes that allowing off-floor broker-dealer orders to be eligible for automatic execution may enhance competition among the options exchanges. Currently, the Pacific Exchange, Inc. (''PCX'') permits broker-dealer orders to be executed on the PCX's automatic execution system, Auto-Ex.[21] The Commission believes that the enhanced competition could lead to better quotes and executions for investors.

Finally, the Commission finds good cause for accelerating approval of Amendment No. 5 to the proposed rule change prior to the thirtieth day after publication in the **Federal Register**. The Commission believes that accelerated approval will permit the Exchange to implement, and investors to benefit from, the proposed rule change without undue delay. Amendment No. 5 provides that off-floor broker-dealer AUTO–X eligible limit orders would be eligible for the Exchange's NBBO Step-Up Feature of AUTO–X, on an issue-by-issue basis subject to approval by the Exchange's Options Committee, provided that the order is for a ''NBBO Step-Up Option'' as described in Exchange Rule 1080(c)(i), and provided that the NBBO does not differ from the Exchange's best bid or offer by more than the step-up parameter. The Commission believes that Amendment No. 5, which permits the use of the NBBO Step-Up Feature for off-floor broker-dealers, should provide better prices for those orders that are eligible. For this reason, the Commission finds good cause exists, consistent with Sections 6(b)(5) [22] and 19(b)(2) of the Act,[23] to approve Amendment No. 5 to the proposed rule change on an accelerated basis.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 5, including whether Amendment No. 5 is consistent with the Act. Persons making written submissions should file

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the customer order. Phlx Rule 1014(g)(i) provides that a ''controlled account'' includes any account controlled by or under common control with a broker-dealer. *See* Securities Exchange Act Release No. 45114 (November 28, 2001) 66 FR 63277 (December 5, 2001).

[15] *See* Exchange Rule 1080(c)(ii). The Exchange has clarified that, where a non-member off-floor broker-dealer enters an order through a member, the prohibition against entry of orders more frequently than 15 seconds (''unbundling prohibition'') applies only to the member. Telephone conversation between Richard S. Rudolph, Counsel, Phlx, Kelly Riley, Senior Special Counsel, Division, Commission, Gordon Fuller, Counsel to the Assistant Director, Division, Commission, and Christopher Solgan, Law Clerk, Division, Commission, on April 10, 2002. The Commission notes that the Exchange may not take punitive action against a non-member off-floor broker-dealer in the event that a member violates the unbundling prohibition.

[16] *See* Amendment No. 5, *supra* note 8.

[17] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[18] 15 U.S.C. 78f(b)(5).

[19] Telephone conversation between Richard S. Rudolph, Counsel, Phlx, Kelly Riley, Senior Special Counsel, Division, Commission, Gordon Fuller, Counsel to the Assistant Director, Division, Commission, and Christopher Solgan, Law Clerk, Division, Commission, on April 10, 2002.

[20] The Exchange submitted a letter to the Division representing that the proposal is consistent with Section 11(a) of the Act and Rule 11a2–2(T) under the Act. *See* letter to Catherine McGuire, Chief Counsel, Division, Commission, from Richard S. Rudolph, Counsel, Phlx, dated April 15, 2002. In response to the Exchange's request, Commission staff has provided interpretive guidance to the Exchange under Section 11(a) of the Act, 15 U.S.C. 78k(a). *See* letter from Paula R. Jenson, Deputy Chief Counsel, Division, Commission, to Richard S. Rudolph, Counsel, Phlx, dated April 15, 2002.

[21] *See* Securities Exchange Act Release No. 45032 (November 6, 2001), 66 FR 57145 (November 14, 2001).

[22] 15 U.S.C. 78f(b)(5).

[23] 15 U.S.C. 78s(b)(2).

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 Amendment that are filed with the Commission, and all written communications relating to the Amendment 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 will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to file number SR–Phlx–2001–40 and should be submitted by May 13, 2002.

V. Conclusion

For the foregoing reasons, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[24] that the proposed rule change (SR–Phlx–2001–40), as amended, is approved, on a six-month pilot basis, until October 15, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[25]

Margaret H. McFarland

Deputy Secretary.

[FR Doc. 02–9780 Filed 4–19–02; 8:45 am]

BILLING CODE 8010–01–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

[Docket No. OST–1996–1437]

Privacy Act of 1974: System of Records

AGENCY: Coast Guard, DOT.

ACTION: Notice to establish a system of records.

SUMMARY: DOT proposes to establish a new system of records under the Privacy Act of 1974 and exempt the system from certain provisions of the Act.

EFFECTIVE DATE: June 3, 2002. If no comments are received, the proposal will become effective on the above date. If comments are received, the comments will be considered and, where adopted, the documents will be republished with changes.

ADDRESSES: To make sure your comments and related material are not entered more than once in the docket, please submit them by only one of the following means:

(1) By mail to the U.S. Department of Transportation, Docket Management Facility (OST–1996–1437), 400 7th Street, SW., Washington, DC 20590.

(2) By delivery to the NASSIF Building, 400 7th Street, SW., PL–401 Washington, DC room PL–401, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9317.

(3) By fax to the Docket Management Facility at 202–493–2251. Include the docket number OST–1996–1437.

(4) Electronically through the Website for the Docket Management System at *http://dms.dot.gov.* Include the docket number OST–1996–1437. The Docket Management Facility maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza level of the NASSIF Building, 400 Seventh Street SW., Washington, DC between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call Mr. Gary Chappell, Marine Safety Data Administration, Coast Guard, telephone 202–267–1061 or by email at *gchappell@comdt.uscg.mil.* If you have questions on viewing or submitting material to the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–9317.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to propose the establishment of a system of records that maintains information regarding the operation, management, and decision-making functions of the Coast Guard as they pertain to marine safety, maritime security, maritime law enforcement, and marine environmental protection activities, to be known as the Marine Information for Safety and Law Enforcement system (MISLE). MISLE will replace, and thus retire, the Marine Safety Information System (MSIS). As of December 13, 2001, MSIS is no longer used to collect information; however, the information contained in MSIS will be retained for historical purposes in accordance with the MSIS Privacy Act Notice (DOT/CG 588). MISLE is an information system that will support the information needs and business processes of Marine Safety and Operations activities within the USCG.

MISLE may contain information on vessel owners, operators, charterers, managers, agents, crewmembers, or passengers; facility owners, operators, managers, or employees; individuals who own, operate, or represent marine transportation companies, and other individuals who come into contact with the Coast Guard through its Maritime Law Enforcement, Investigation, Marine Safety, Maritime Security, and Marine Environmental Protection activities. Information collected may include involved party (individual, company, government agency or organization) name, involved party identification number (IPN), Social Security number, Drivers License number, Foreign ID number, Passport number, VISA number, Immigration and Naturalization Service (INS) number, Military ID number, USCG License number, Cedula number, Foreign Seaman's Booklet number, resident alien number, Merchant Mariners License number, Merchant Mariner Documentation number, or taxpayer identification number (TIN).

A description of the steps taken to safeguard records contained in this system is given under the ''Safeguards'' heading of the **Federal Register** system of records notice. The Routine Uses described in the system of records notice satisfy the compatibility requirement of subsection (a)(7) of the Privacy Act, as they all support the operation, management, and decision-making functions of the USCG as they pertain to Marine Safety, Maritime Security, Maritime Law Enforcement, and Marine Environmental Protection.

DOT/CG 679

SYSTEM NAME:

Marine Information for Safety and Law Enforcement (MISLE).

SECURITY CLASSIFICATION:

Unclassified, Sensitive.

SYSTEM LOCATION:

U.S. Coast Guard (USCG), Operations Systems Center, 600 Coast Guard Drive, Kearneysville, WV 25430–3000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM OF RECORDS:

Individuals with established relationship(s) and/or association(s) to vessels, facilities (including platforms, bridges, deep-water ports, marinas, terminals, and factories), and activities.

[24] 15 U.S.C. 78s(b)(2).

[25] 17 CFR 200.30–3(a)(12).

Specifically, vessel owners, operators, charterers, managers, agents, crewmembers, or passengers; facility owners, operators, managers, or employees; individuals who own, operate, or represent marine transportation companies, and other individuals who come into contact with the Coast Guard through its law enforcement, investigation, marine safety, maritime security, and environmental protection activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

a. Records containing information on vessels and their characteristics, including: vessel identification data, registration data, port visits, inspection data, documentation data, maritime safety and security boardings, casualties, pollution incidents, and violations of all laws and international treaties, if applicable, and information pertaining to individuals, companies, and organizations associated with those vessels such as owners, operators, agents, crew members, and passengers.

b. Records containing information on facilities and their characteristics, including: location, commodities handled, equipment, certificates, approvals, inspection data, pollution incidents, casualties, and violations of all laws and international treaties, if applicable, and information pertaining to individuals, companies, and organizations associated with those facilities such as owners, operators, managers and employees.

c. Records containing information on individuals, companies, government agencies, and other organizations associated with vessels, facilities (including platforms, bridges, deep water ports, marinas, terminals, and factories), and/or Coast Guard activities including: nationality, address, telephone number, and taxpayer or other identification number; relationship to vessels and facilities; their relationship to other individuals, companies, government agencies and organizations in MISLE; pollution incidents, casualties, and violations of all laws and international treaties.

d. Narratives submitted by USCG personnel describing activities performed on vessels and facilities, investigations of casualties and pollution incidents, and violations of all laws and international treaties. Such narratives may contain the names of individuals, such as owners, managers, employees, passengers, agents, or witnesses to the events described above. Electronic documents, photographs, videos and similar materials collected to support USCG activities or reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

46 U.S.C. 3717; 46 U.S.C. 12501; 33 U.S.C. 1223.

PURPOSE(S):

To implement and enforce marine safety, maritime security, maritime law enforcement, and marine environmental protection.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Issuance of Certificates of Documentation, Certificates of Inspections, maritime safety and security boardings, monitoring cargo transfers, capturing data on pollution incidents and casualties, and reporting of violations resulting from these incidents.

MISLE Records may be disclosed to the following:

1. U.S. Department of Defense and related entities including, but not limited to, the Military Sealift Command and the U.S. Navy, to provide safety and security information on vessels chartered or operated by those agencies. Federal, State, or local agencies with responsibility for investigating and/or enforcing violations of U.S. law. Federal agencies with responsibility for carrying out or supporting national security, including intelligence community agencies to the extent not prohibited by law. Federal, State, or local numbering and titling officials for the purpose of tracking, registering and titling vessels.

2. The U.S. Department of Labor and its related State counterparts for tracking personnel casualties.

3. The National Transportation Safety Board and its related State counterparts for safety investigation and transportation safety.

4. The International Maritime Organization (IMO) or intergovernmental organizations, nongovernmental organizations, or foreign governments in order to conduct joint investigations, operations, and inspections.

5. Federal, State, or local agencies with which the Coast Guard has a Memorandum of Understanding (MOU), Memorandum of Agreement (MOA), or Inspection and Certification Agreement (IAA) pertaining to Marine Safety, Maritime Security, Maritime Law Enforcement, and Marine Environmental Protection activities. See the DOT Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Storage of all records is in an automated data processing (ADP) database operated and maintained by the USCG. All data are retained indefinitely.

RETRIEVABILITY:

Records are retrieved by involved party (individual, company, government agency or organization) name, involved party identification number (IPN), Social Security number, Drivers License number, Foreign ID number, Passport number, VISA number, Immigration and Naturalization Service (INS) number, Military ID number, USCG License number, Cedula number, Foreign Seaman's Booklet number, resident alien number, Merchant Mariners License number, Merchant Mariner Documentation number, or taxpayer identification number (TIN).

SAFEGUARDS:

MISLE falls under the guidelines of the USCG Operations System Center (OSC) in Kearneysville, WV. This computer facility has its own approved System Security Plan, which provides that the system will be maintained in a secure computer room with access restricted to authorized personnel only. Access to the building must be authorized and is limited. A Sensitive Application Certification (SAC) has been approved for MISLE. The U.S. Coast Guard will operate MISLE in consonance with Federal security regulations, policy, procedures, standards and guidance for implementing the Automated Information Systems Security Program. Only authorized Department of Transportation personnel, and authorized U.S. Government contractors conducting system maintenance, may access MISLE records.

Access to records is password protected and the scope of access for each password is limited to the official need of each individual authorized access. USCG will ensure that users take precautions in accordance with OMB Circular A–130, Appendix III (regarding the Computer Security Act of 1987). Additional protection is afforded by the use of two-password security.

RETENTION AND DISPOSAL:

Information collected by MISLE is stored indefinitely. All system hardware and data is stored at OSC, Kearneysville, WV. Backups are performed daily. Copies of backups are stored at an off-site location.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, United States Coast Guard Headquarters, Chief, Office of Information Resources (G–MRI), 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURES:

To determine if this system contains information on you, submit a written request that includes your name, mailing address, social security number and, if applicable, your merchant mariner license or document number, to the System Manager. You should also include the name and identifying number (documentation number, state registration number, International Maritime Organization (IMO) number, etc.) of any vessel with which you have been associated and the name and address of any facility (including platforms, bridges, deep water ports, marinas, terminals, and factories) with which you have been associated. You or your legal representative must sign the request. Send the request to the System Manager.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures.

CONTESTING RECORDS PROCEDURES:

Same as Notification Procedures.

RECORD SOURCE CATEGORIES:

All information entered into MISLE is gathered from inspections, boardings, investigations, documentation offices, and vessel notice of arrival reports in the course of normal routine business. This information is gathered from the owners, operators, crewmembers, agents, passengers, witnesses, employees, and USCG personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system of records may be exempt under the provisions of 5 U.S.C. 552a(k)(2) from 5 U.S.C. 552a(c)(3), (d), (e)(4)(G), (e)(4)(H), (e)(4)(l), and (f).

OMB CONTROL NUMBER:

Not applicable.

Dated: April 15, 2002

Yvonne L. Coates

Privacy Act Coordinator

[FR Doc. 02–9774 Filed 4–19–02; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

Federal Aviation Administration

[Docket No. OST–2001–9849]

Notice of Market-based Actions to Relieve Airport Congestion and Delay

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of comment period closing date.

SUMMARY: This action establishes a new closing date for the comment period in DOT's request for public comment on possible market-based approaches to relieving airport congestion and delay. After the September 11 terrorist attacks, DOT indefinitely suspended the closing date for the comment period.

DATES: Comments should be received by July 22, 2002.

ADDRESSES: Comments should be mailed or delivered in duplicate to: Docket Clerk, Docket No. OST–2001–9849, Room PL–401, U.S. Department of Transportation Dockets, 400 Seventh Street, SW., Washington, DC 20590. Comments may also be filed electronically to the following Internet address: DMS.dot.gov. Except for Federal holidays, comments may be filed or examined weekdays in Room PL-401 between 9 a.m. and 5 p.m.

Comments placed in the docket will be available for viewing on the Internet.

FOR FURTHER INFORMATION CONTACT: Larry Phillips, Senior Policy Advisor, 202–366–4868 or Nancy Kessler, Senior Attorney-Advisor, 202–366–9301.

SUPPLEMENTARY INFORMATION:

Background

On August 21, 2001, the Department published a notice in the **Federal Register** seeking comments on the possible role, feasibility, and effectiveness of using market-based approaches to relieve flight delays and congestion at busy airports. 66 FR 43947. Market-based approaches are meant to include the development and imposition of airport fees that are designed to encourage air carriers to use limited airport capacity in a more efficient manner. It was and remains DOT's intention to use this and other requests for comments, along with the full array of public policy tools, to evaluate the possible use of market-based approaches at airports to reduce delays, to improve airport capacity management, enhance competition, and promote the efficiency of the overall aviation system. As indicated in the August 21, 2001 notice, the Department also invited comments on how administrative actions could work to relieve congestion at busy airports.

Following the terrorist attacks on September 11, the FAA temporarily ceased all non-military flights in the United States and imposed new security measures prior to the resumption of commercial air service. After commercial service resumed, air carriers reduced their flight schedules significantly, thereby reducing congestion at formerly busy airports. Given these events, and the major operational changes air carriers made in response to the new environment, on November 5, 2001, the Department published a notice in the **Federal Register** suspending the closing date for the comment period in this proceeding until further notice. 66 FR 55978. The Department indicated in that notice that, at a later date, it would publish a notice setting forth the new closing date for comments.

Over the past several months, air carriers have been slowly rebuilding their schedules, and traffic levels are beginning to approach normal levels. Indeed, given the FAA's recent projection of increased traffic levels during 2003, significant congestion and flight delays at certain major airports may occur in the not too distant future. Accordingly, it is an appropriate time to resume the discussion of how market-based approaches could help relieve congestion.

Therefore, we are reopening the comment period for 90 days from publication of this notice.

Issued on April 15, 2002, in Washington, DC.

Susan McDermott,

Deputy Assistant Secretary for Aviation and International Affairs, Department of Transportation.

[FR Doc. 02–9775 Filed 4–19–02; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the

Federal Railroad Administration (FRA) hereby announces that it is seeking renewal of the following currently approved information collection activity. Before submitting these information collection requirements (ICRs) for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Comments must be received no later than June 21, 2002.

ADDRESSES: Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 17, Washington, DC 20590, or Ms. Debra Steward, Office of Information Technology and Productivity Improvement, RAD–20, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, ''Comments on OMB control number 2130–0517.'' Alternatively, comments may be transmitted via facsimile to (202) 493–6068 or (202) 493–6170, or E-mail to Mr. Brogan at *robert.brogan@fra.dot.gov,* or to Ms. Deal at debra.steward@fra.dot.gov. Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

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 Debra Steward, Office of Information Technology and Productivity Improvement, RAD–20, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493–6139). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Pub. L. 104–13, section 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 provide 60-days notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses). *See* 44 U.S.C. 3506(c)(2)(A)(I)(iv); 5 CFR 1320.8(d)(1)(I)(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a ''user friendly'' format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

Below is a brief summary of the currently approved information collection activity that FRA will submit for clearance by OMB as required under the PRA:

Title and Form Number: Supplemental Qualifications Statement for Railroad Safety Inspector Applicants, FRAF–120.

OMB Control Number: 2130–0517.

Abstract: The Supplemental Qualifications Statement for Railroad Safety Inspector Applicants is an information collection instrument used by FRA to gather additional background data so that FRA can evaluate the qualifications of applicants for the position of Railroad Safety Inspector. The questions cover a wide range of general and specialized skills, abilities, and knowledge of the five types of railroad safety inspector positions.

Affected Public: Individuals or Households.

Frequency of Submission: On occasion.

Estimated Number of Respondents: 2,000 Applicants.

Estimated Average Burden per Respondent: 3 hours.

Estimated Total Annual Burden: 6,000 hours.

Status: Extension of a currently approved collection.

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC on April 16, 2002.

Dian Deal,

Acting Director, Office of Information Technology and Support Systems, Federal Railroad Administration.

[FR Doc. 02–9678 Filed 4–19–02; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Notice for Ferryboat Operators that Receive Federal Transit Funds.

ACTION: Notice of interpretation.

SUMMARY: The Federal Transit Administration (FTA) is eliminating duplicative controlled substance and alcohol misuse testing requirements for ferry operations that receive Federal transit funding under 49 U.S.C. 5307, 5309, or 5311. Those ferry operations that are simultaneously subject to FTA drug and alcohol regulations at 49 CFR part 655 and U.S. Coast Guard (USCG) chemical testing regulations at 46 CFR parts 4 and 16 and alcohol testing requirements at 46 CFR subpart 4.06 and 33 CFR part 95 will be deemed in concurrent compliance with the testing requirements of 49 CFR part 655 when they comply with the USCG's chemical and alcohol testing requirements. However, those ferry operations will remain subject to FTA's random alcohol testing requirement because the USCG does not have a similar requirement.

DATES: This notice is effective April 22, 2002.

FOR FURTHER INFORMATION PLEASE CONTACT: For questions regarding this notice, contact Mark Snider, Office of Safety and Security, telephone 202–366–1080, fax 202–366–7951, or Bruce Walker, Office of the Chief Counsel, telephone 202–366–4011, fax 200–366–3809, FTA, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

FTA and the USCG are modal administrations of the U.S. Department of Transportation (DOT) and each is required to issue drug and alcohol regulations with which ferryboat systems must comply. Many of the testing requirements are substantially similar; however, the USCG does not have a requirement for random alcohol testing. Since the USCG has oversight over maritime operations, including ferryboats, it is prudent to eliminate duplicative drug and alcohol testing requirements by two DOT modal administrations.

FTA has determined that ferry operations that receive Federal transit funds and comply with the USCG chemical testing and alcohol testing requirements at 46 CFR parts 4 and 16, and 33 CFR part 95 will be in concurrent compliance with the controlled substance testing requirements of 49 CFR part 655. The ferry operators will also be in concurrent compliance with most of FTA's alcohol testing requirements; however, they are required to continue to comply with FTA's random alcohol testing requirements under 49 CFR part 655.45 because random alcohol testing is a statutory requirement for FTA recipients, and the USCG does not have a substantially similar provision.

Failure to comply with the USCG's chemical testing regulations may result in an FTA determination of noncompliance with 49 CFR part 655, which can lead to the suspension of eligibility for Federal transit funding. Subpart G of 49 CFR part 655 will also be applicable to a covered employee (1) with a verified positive drug test result, (2) who has a confirmed alcohol test result of 0.04 or greater, or (3) who refuses to submit to a test. It is important to note that FTA's interpretive guidance permits the relevant Coast Guard testing requirements to satisfy FTA testing requirements; however, FTA is not waiving regulatory authority over ferry operators that receive Federal transit funds.

Issued on: April 14, 2002.

Jennifer L. Dorn,

Administrator, Federal Transit Administration.

[FR Doc. 02–9776 Filed 4–19–02; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF THE TREASURY

Departmental Offices; Proposed Collections; Comment Requests

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury invites the general public and other Federal agencies to comment on a new information collection that is proposed for approval by the Office of Management and Budget. The Office of Program Services within the Department of the Treasury is soliciting comments concerning Treasury International Capital (TIC) Form BQ–3, Report of Maturities of Selected Liabilities of Depository Institutions, Brokers and Dealers to Foreigners.

DATES: Written comments should be received on or before June 21, 2002 to be assured of consideration.

ADDRESSES: Direct all written comments to Dwight Wolkow, International Portfolio Investment Data Systems, Department of the Treasury, Room 5457 MT, 1500 Pennsylvania Avenue NW., Washington DC 20220. In view of delays in mail delivery due to recent events, please also notify Mr. Wolkow by e-mail (*dwight.wolkow@do.treas.gov*), FAX (202–622–7448) or telephone (202–622–1276).

FOR FURTHER INFORMATION CONTACT: Copies of the proposed forms and instructions are available on the Treasury's TIC Forms webpage, *http://www.treas.gov/tic/forms.htm.* Requests for additional information should be directed to Mr. Wolkow.

SUPPLEMENTARY INFORMATION:

Titles: Treasury International Capital Form BQ–3, Report of Maturities of Selected Liabilities of Depository Institutions, Brokers and Dealers to Foreigners.

OMB Control Number: NEW.

Abstract: Form BQ–3 is part of the Treasury International Capital (TIC) reporting system, which is required by law (22 U.S.C. 286f; 22 U.S.C. 3103; E.O. 10033; 31 C.F.R. 128) and is designed to collect timely information on international portfolio capital movements. Form BQ–3 is a quarterly report designed to capture, by instrument and on an aggregate basis, remaining maturities of all U.S. dollar and foreign currency liabilities (excluding securities) of U.S. resident banks, other depository institutions, brokers and dealers vis-á-vis foreign residents. This information is necessary for meeting international data reporting standards and for formulating U.S. international financial and monetary policies.

Current Actions: This proposed new form is necessary to meet recently expanded international standards for reporting data on a country's liabilities vis-á-vis foreigners. (a) The new form will collect data on remaining maturities for borrowings, deposits and brokerage balances, and repurchase agreements and other liabilities, broken down by seven maturity bands. (b) Both U.S. dollar liabilities and foreign currency liabilities, excluding securities, will be reported on the new form. (c) The reporting panel will consist of all banks, other depository institutions, brokers and dealers that report on TIC Form BL–1 and/or TIC Form BQ–2, provided that the total of their own U.S. dollar liabilities from Form BL–1 plus their own foreign currency liabilities from Part 1 of Form BQ–2 is $4 billion or more. (d) Bank Holding Companies and Financial Holding Companies (BHCs/FHCs) will each consolidate the BHC/FHC and all subsidiaries, OTHER THAN banking or broker or dealer subsidiaries, and file TIC Form CQ–1 (banks and brokers and dealers will continue to file TIC–B series reports). This treatment is designed to reduce reporting burdens since the TIC C reports are less detailed and are filed only quarterly. (e) Depository institutions, brokers and dealers will report most cross-border positions with affiliated foreigners (including affiliates of parent organizations) exclusive of positions in the form of long-term securities or derivative contracts. (f) The period of time a reporter has to submit reports once the exemption level is exceeded has been changed to the remainder of the current calendar year. (g) These changes will be effective as of February 28, 2003.

Type of Review: NEW.

Affected Public: Business or other for-profit organizations. Form BQ–3 (NEW)

Estimated Number of Respondents: 55.

Estimated Average Time per Respondent: Four (4) hours per respondent per filing.

Estimated Total Annual Burden Hours: 880 hours, based on 4 reporting periods per year.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the requests for OMB approval. All comments will become a matter of public record. The public is invited to submit written comments concerning: whether Form BQ–3 is necessary for the proper performance of the functions of the Office, including whether the information collected has practical uses; the accuracy of the above burden

estimates; ways to enhance the quality, usefulness, and clarity of the information to be collected; ways to minimize the reporting and/or recordkeeping burdens on respondents, including the use of information technologies to automate the collection of the data; and estimates of capital or start-up costs of operation, maintenance, and purchases of services to provide information.

Dwight Wolkow,

Administrator, International Portfolio Investment Data Systems.

[FR Doc. 02–9600 Filed 4–19–02; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Departmental Offices; Proposed Collections; Comment Requests

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to comment on revisions of two information collections that are proposed for approval by the Office of Management and Budget. The Office of Program Services within the Department of the Treasury is soliciting comments concerning Treasury International Capital (TIC) Form BC/BC(SA), Report of U.S. Dollar Claims of Depository Institutions, Brokers, and Dealers on Foreigners; and Treasury International Capital (TIC) Form BL–1/BL–1(SA), Report of U.S. Dollar Liabilities of Depository Institutions, Brokers, and Dealers to Foreigners.

DATES: Written comments should be received on or before June 21, 2002 to be assured of consideration.

ADDRESSES: Direct all written comments to Dwight Wolkow, International Portfolio Investment Data Systems, Department of the Treasury, Room 5457 MT, 1500 Pennsylvania Avenue NW., Washington DC 20220. In view of delays in mail delivery due to recent events, please also notify Mr. Wolkow by e-mail (*dwight.wolkow@do.treas.gov*), FAX (202–622–7448) or telephone (202–622–1276).

FOR FURTHER INFORMATION CONTACT: Copies of the proposed forms and instructions are available on the Treasury's TIC Forms webpage, *http://www.treas.gov/tic/forms.htm.* Requests for additional information should be directed to Mr. Wolkow.

SUPPLEMENTARY INFORMATION:

Titles: Treasury International Capital Form BC/BC(SA), Report of U.S. Dollar Claims of Depository Institutions, Brokers, and Dealers on Foreigners; and Treasury Capital Form BL–1/BL–1(SA), Report of U.S. Dollar Liabilities of Depository Institutions, Brokers, and Dealers to Foreigners.

OMB Control Numbers: 1505–0017 and 1505–0019.

Abstracts: Forms BC/BC(SA) and BL–1/BL–1(SA) are part of the Treasury International Capital (TIC) reporting system, which is required by law (22 U.S.C. 286f; 22 U.S.C. 3103; E.O. 10033; 31 C.F.R. 128) and is designed to collect timely information on international portfolio capital movements. Form BC is a monthly report (with a semiannual supplement) that covers own U.S. dollar claims of banks, other depository institutions, brokers and dealers vis-a-vis foreign residents. Form BL–1 is a monthly report (with a semiannual supplement) that covers own U.S. dollar liabilities of banks, other depository institutions, brokers and dealers vis-a-vis foreign residents. This information is necessary for compiling the U.S. balance of payments accounts, for calculating the U.S. international investment position, and for formulating U.S. international financial and monetary policies.

Current Actions: (a) Bank Holding Companies and Financial Holding Companies (BHCs/FHCs) will each consolidate the BHC/FHC and all subsidiaries, OTHER THAN banking or broker or dealer subsidiaries, and file TIC Form CQ–1 (banks and brokers and dealers will continue to file TIC–B series reports). This treatment is designed to reduce reporting burdens since the TIC C reports are less detailed and are filed only quarterly. (b) Depository institutions, brokers and dealers will report most cross-border positions with affiliated foreigners (including affiliates of parent organizations) exclusive of positions in the form of long-term securities or derivative contracts. (c) The period of time a reporter has to submit reports once the exemption level is exceeded has been changed to the remainder of the current calendar year. (d) Additional guidance is provided to depository institutions on the reporting of claims on, and liabilities to, own foreign offices. (e) All reporters will have to report brokerage balances, according to a revised description of brokerage balances. (f) In Form BC, a new column will be added for separate reporting of short-term securities of all other foreigners. (g) In Form BC, the memorandum row for resale agreements will be deleted. (h) In Form BC, a new memorandum cell for negotiable CDs of foreign banks will be added. (i) In Form BC, a new column will be added for separate reporting of negotiable CDs and all short-term negotiable securities issued by foreign banks and foreign official institutions. (j) In Form BC, claims on own foreign offices will be included in either claims on foreign banks or claims on all other foreigners (depending on the counterparty), and in a separate memorandum column. (k) In Form BC, a memorandum column for foreign official institutions will replace the column for foreign public borrowers. (l) In Form BC, claims on foreign official institutions will be included in the column for claims on foreign banks and foreign official institutions. (m) In Form BL–1, the columns for demand deposits and non-transaction accounts will be combined. (n) In Form BL–1, liabilities to own foreign offices will be included in either liabilities to foreign banks or liabilities to all other foreigners, and in a separate memorandum column. (o) In Form BL–1, the memorandum row for CDs will be deleted. (p) In Form BL–1, negotiable securities will be excluded from the BL–1 with the instructions that they should be reported instead on the Form BL–2. (q) In Form BL–1, the instructions will clarify that reporters' issuance of non-negotiable securities should be reported in the ''Other'' column. (r) In Form BL–1, a row will be added for non-interest bearing liabilities. (This row will collect *only* information on non-interest bearing deposits and loans, except for liabilities to own foreign offices where all non-interest bearing liabilities will be reported.) (s) These changes will be effective as of February 28, 2003.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations. Form BC/BC(SA) (1505–0017).

Estimated Number of Respondents: 325 (semiannual 125).

Estimated Average Time per Respondent: Nine and four/tenths (9.4) hours per respondent per filing. This average time varies from 17 hours for the approximately 30 major reporters to 8.5 hours for the other reporters.

Estimated Total Annual Burden Hours: 38,845 hours, based on 12 reporting periods per year.

Form BL–1/BL–1(SA) (1505–0019).

Estimated Number of Respondents: 405 (semiannual 185).

Estimated Average Time per Respondent: Six and one/half (6.5) hours per respondent per filing. This average time varies from 12 hours for the approximately 30 major reporters to 6 hours for the other reporters.

Estimated Total Annual Burden Hours: 33,900 hours, based on 12 reporting periods per year.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the requests for OMB approval. All comments will become a matter of public record. The public is invited to submit written comments concerning: whether Forms BC/BC(SA) and BL–1/BL–1(SA) are necessary for the proper performance of the functions of the Office, including whether the information collected has practical uses; the accuracy of the above burden estimates; ways to enhance the quality, usefulness, and clarity of the information to be collected; ways to minimize the reporting and/or recordkeeping burdens on respondents, including the use of information technologies to automate the collection of the data; and estimates of capital or start-up costs of operation, maintenance, and purchases of services to provide information.

Dwight Wolkow,

Administrator, International Portfolio Investment Data Systems.

[FR Doc. 02–9601 Filed 4–19–02; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Departmental Offices; Proposed Collections; Comment Requests

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to comment on revisions of an information collection that are proposed for approval by the Office of Management and Budget. The Office of Program Services within the Department of the Treasury is soliciting comments concerning Treasury International Capital Form BL–2/BL–2(SA), Report by Depository Institutions, Brokers and Dealers of Customers' U.S. Dollar Liabilities to Foreigners.

DATES: Written comments should be received on or before June 21, 2002 to be assured of consideration.

ADDRESSES: Direct all written comments to Dwight Wolkow, International Portfolio Investment Data Systems, Department of the Treasury, Room 5457 MT, 1500 Pennsylvania Avenue, NW., Washington DC 20220. In view of delays in mail delivery due to recent events, please also notify Mr. Wolkow by email *(dwight.wolkow@do.treas.gov),* FAX (202–622–7448) or telephone (202–622–1276).

FOR FURTHER INFORMATION CONTACT: Copies of the proposed forms and instructions are available on the Treasury's TIC Forms webpage, *http://www.treas.gov/tic/forms.htm.* Requests for additional information should be directed to Mr. Wolkow.

SUPPLEMENTARY INFORMATION:

Titles: Treasury International Capital Form BL–2/BL–2(SA), Report by Depository Institutions, Brokers and Dealers of Customers' U.S. Dollar Liabilities to Foreigners.

OMB Control Number: 1505–0018.

Abstract: Form BL–2/BL–2(SA) is part of the Treasury International Capital (TIC) reporting system, which is required by law (22 U.S.C. 286f; 22 U.S.C. 3103; E.O. 10033; 31 CFR 128) and is designed to collect timely information on international portfolio capital movements. Form BL–2 is a monthly report (with a semiannual supplement) filed by banks, other depository institutions, brokers and dealers that covers their U.S. customers' dollar liabilities vis-à-vis foreign residents. This information is necessary for compiling the U.S. balance of payments accounts, for calculating the U.S. international investment position, and for formulating U.S. international financial and monetary policies. Current Actions: (a) Bank Holding Companies and Financial Holding Companies (BHCs/FHCs) will each consolidate the BHC/FHC and all subsidiaries, OTHER THAN banking or broker or dealer subsidiaries, and file TIC Form CQ–1 (banks and brokers and dealers will continue to file TIC–B series reports). This option is designed to reduce reporting burdens since the TIC C reports are less detailed and are filed only quarterly. (b) The period of time a reporter has to submit reports once the exemption level is exceeded has been changed to the remainder of the current calendar year. (c) To eliminate double counting, all negotiable liabilities (certificates of deposit of any maturity and other short-term negotiable securities) are to be reported as ''customers'' '' items on Form BL–2 (or on Form BQ–2 if denominated in foreign currency) and excluded from Form BL–1, even if the ''customer'' is the reporter. (d) More liabilities of the domestic customers of depository institutions, brokers and dealers will be reportable. The title of the BL–2 report is changed from ''Custody'' liabilities to ''Customers'' '' liabilities to indicate that items other than traditional ''custody'' items are included. Non-custody items will include loans to U.S. residents held at managed foreign offices, loans of foreigners to U.S. residents serviced by the reporter and syndicated loans sold overseas for which the reporter was the lead in the syndicate. (e) In Form BL–2, the columns for short-term U.S. agency obligations and other negotiable and readily transferable instruments will be combined. (f) Part 2 will be added on Form BL–2 to break out the sectors of U.S. debtors and types of instruments reported in the body of the BL–2. (g) These changes will be effective as of February 28, 2003.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Form BL–2/BL–2(SA) (1505–0018).

Estimated Number of Respondents: 90 (semiannual 35).

Estimated Average Time per Respondent: Seven and one/half (7.5) hours per respondent per filing. This average time varies from 11 hours for the approximately 30 major reporters to 5.5 hours for the other reporters.

Estimated Total Annual Burden Hours: 8,635 hours, based on twelve reporting periods per year.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the requests for OMB approval. All comments will become a matter of public record. The public is invited to submit written comments concerning: Whether Form BL–2/BL–2(SA) is necessary for the proper performance of the functions of the Office, including whether the information collected has practical uses; the accuracy of the above burden estimates; ways to enhance the quality, usefulness, and clarity of the information to be collected; ways to minimize the reporting and/or recordkeeping burdens on respondents, including the use of information technologies to automate the collection of the data; and estimates of capital or start-up costs of operation, maintenance, and purchases of services to provide information.

Dwight Wolkow,

Administrator, International Portfolio Investment Data Systems.

[FR Doc. 02–9602 Filed 4–19–02; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Departmental Offices

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to comment on revisions of an information collection that are proposed for approval by the Office of Management and Budget. The Office of Program Services within the Department of the Treasury is soliciting comments concerning Treasury International Capital Form BQ–1, Report by Depository Institutions, Brokers and Dealers of Customers' U.S. Dollar Claims on Foreigners.

DATES: Written comments should be received on or before June 21, 2002 to be assured of consideration.

ADDRESSES: Direct all written comments to Dwight Wolkow, International Portfolio Investment Data Systems, Department of the Treasury, Room 5457 MT, 1500 Pennsylvania Avenue NW., Washington DC 20220. In view of delays in mail delivery due to recent events, please also notify Mr. Wolkow by email (*dwight.wolkow@do.treas.gov*), FAX (202–622–7448) or telephone (202–622–1276).

FOR FURTHER INFORMATION CONTACT: Copies of the proposed forms and instructions are available on the Treasury's TIC Forms webpage, *http://www.treas.gov/tic/forms.htm.* Requests for additional information should be directed to Mr. Wolkow.

SUPPLEMENTARY INFORMATION:

Title: Treasury International Capital Form BQ–1. Report by Depository Institutions, Brokers and Dealers of Customers' U.S. Dollar Claims on Foreigners.

OMB Control Number: 1505–0016.

Abstract: Form BQ–1 is part of the Treasury International Capital (TIC) reporting system, which is required by law (22 U.S.C. 286f; 22 U.S.C. 3103; E.O. 10033; 31 C.F.R. 128) and is designed to collect timely information on international portfolio capital movements. This quarterly report filed by depository institutions, brokers and dealers covers their U.S. customers' dollar claims vis-á-vis foreign residents. This information is necessary for compiling the U.S. balance of payments accounts, for calculating the U.S. international investment position, and for formulating U.S. international financial and monetary policies. Current Actions: (a) Bank Holding Companies and Financial Holding Companies (BHCs/FHCs) will each consolidate the BHC/FHC and all subsidiaries, OTHER THAN banking or broker or dealer subsidiaries, and file TIC Form CQ–1 (banks and brokers and dealers will continue to file TIC–B series reports). This treatment is designed to reduce reporting burdens since the TIC C reports are less detailed and are filed only quarterly. (b) More claims of the domestic customers of depository institutions, brokers and dealers will be reportable. The title of the BQ–1 report is changed from ''Custody'' claims to ''Customers'' '' claims to reflect the fact that items other than traditional ''custody'' items are included. Non-custody items will include offshore sweep agreements, loans of U.S. residents to foreigners that are serviced by the reporter, and loans of non-bank U.S. residents to managed foreign offices of the reporter. (c) The period of time a reporter has to submit reports once the exemption level is exceeded has been changed to the remainder of the current calendar year. (d) In Form BQ–1, part I, Reporter's Own Claims, will be deleted. (e) In Form BQ–1, the memorandum row for IBF Assets will be deleted. (f) In Form BQ–1, a new column will be added for separate reporting of negotiable CDs and other short-term securities. (g) In Form BQ–1, a memorandum cell for commercial paper included in the other short-term securities column will be added. (h) In Form BQ–1, a memorandum row for claims of bank customers will be added. (i) These changes will be effective as of February 28, 2003.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Form BQ–1 (1505–0016)

Estimated Number of Respondents: 310.

Estimated Average Time per Respondent: Two and two/tenths (2.2) hours per respondent per filing. This average time varies from 4 hours for the approximately 30 major reporters to 2 hours for the other reporters.

Estimated Total Annual Burden Hours: 2,720 hours, based on four reporting periods per year.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. The public is invited to submit written comments concerning: whether Form BQ–1 is necessary for the proper performance of the functions of the Office, including whether the information collected has practical uses; the accuracy of the above burden estimates; ways to enhance the quality, usefulness, and clarity of the information to be collected; ways to minimize the reporting and/or recordkeeping burdens on respondents, including the use of information technologies to automate the collection of the data; and estimates of capital or start-up costs of operation, maintenance, and purchases of services to provide information.

Dwight Wolkow,

Administrator, International Portfolio Investment Data Systems.

[FR Doc. 02–9603 Filed 4–19–02; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 10, 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 May 22, 2002 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0065.

Form Number: IRS Forms 4070, 4070A, 4070PR and 4070A–PR.

Type of Review: Revision.

Title: Form 4070: Employee's Report of Tips to Employer; Form 4070A: Employee's Daily Record of Tips; Forma 4070PR: Informe al Patrono de Propinas Recibidas por el Empleado; and Form 4070A–PR: Registro Diario de Propinas del Empleado.

Description: Employees who receive at least $20 per month in tips must report the tips to their employers monthly for purposes of withholding of employment taxes. Forms 4070 and 4070PR (Puerto Rico only) are used for this purpose. Employees must keep a daily record of tips they receive. Forms 4070A and 4070A–PR are used for this purpose.

Respondents: Individuals or households.

Estimated Number of Respondents/Recordkeepers: 615,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Form	Recordkeeping	Learning about the law or the the form (minutes)	Preparing the form (minutes)	Copying, assembling, and sending the form to the IRS (minutes)
Form 4070	7 min	2	13	10
Form 4070A	3 hr., 23 min	2	55	28

Frequency of Response: Monthly.

Estimated Total Reporting/Recordkeeping Burden: 39,265,200 hours.

OMB Number: 1545–0090.

Form Number: IRS Forms 1040–SS, 1040–PR and Anejo H–PR.

Type of Review: Extension.

Title: Form 1040–SS: U.S. Self-Employment Tax Return; Form 1040–PR: Planilla Para La Declaracion De La Contribucion Federal Sobre El Trabajo Por Cuenta Propria—Puerto Rico; and Anejo H–PR: Contribuciones Sobre El Empleo De Empleados Domesticos.

Description: Form 1040–SS (Virgin Islands, Guam, American Samoa, the Northern Mariana Islands) and 1040–PR (Puerto Rico) are used by self-employed individuals to figure and report self-employment tax under IRC chapter 2 of Subtitle A, and provide credit to the taxpayer's social security account. Anejo H–PR is used to compute household employment taxes. Form 1040–SS and Form 1040–PR are also used by bona-fide residents of Puerto Rico to claim the additional child tax credit.

Respondents: Individuals or households, Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 244,400.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—7 hr., 51 min.

Learning about the law or the form—37 min.

Preparing the form—3 hr., 48 min.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 3,238,252 hours.

Clearance Officer: Glenn Kirkland, Internal Revenue Service, Room 6411–03, 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.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 02–9697 Filed 4–19–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8233

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8233, Exemption From Withholding on Compensation for Independent (and Certain Dependent) Personal Services of a Nonresident Alien Individual.

DATES: Written comments should be received on or before June 21, 2002 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, (202) 622–6665, or through the internet (*Allan.M.Hopkins@irs.gov*), Internal Revenue Service, Room 6407, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Exemption From Withholding on Compensation for Independent (and Certain Dependent) Personal Services of a Nonresident Alien Individual.

OMB Number: 1545–0795.

Form Number: 8233.

Abstract: Compensation paid to a nonresident alien individual for independent personal services (self-employment) is generally subject to 30% withholding or graduated rates. However, such compensation may be exempt from withholding because of a U.S. tax treaty or the personal exemption amount. Form 8233 is used to request exemption from withholding. Nonresident alien students, teachers, and researchers performing dependent personal services also use Form 8233 to request exemption from withholding.

Current Actions: There are no changes being made to Form 8233 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals, business or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Respondents: 480,000.

Estimated Time Per Respondent: 1 hr., 45 min.

Estimated Total Annual Burden Hours: 1,320,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection

techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 11, 2002.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 02–9800 Filed 4–19–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Quarterly Publication of Individuals, Who Have Chosen To Expatriate, as Required by Section 6039G

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: This notice is provided in accordance with IRC section 6039G, as amended, by the Health Insurance Portability and Accountability Act (HIPPA) of 1996. This listing contains the name of each individual losing United States citizenship (within the meaning of section 877(a)) with respect to whom the Secretary received information during the quarter ending March 31, 2002.

Last	First	Middle
Alexander	Marcus	Andre.
Andersen	Carl	Steinar.
Atkinson	Paul	Jeffrey.
Avramenko	Peter.	
Bakr	Waleed	Talal.
Barre	Anne	Lowenstein.
Bastawisi	Ahmad	Ali Orabi.
Beglinger	Barbara	Elizabeth.
Belyea	Stephen	Charles.
Bigar	Wilhelmine	Maria.
Blankenship	Melissa	Ann.
Brazier-Creagh	Christopher	Anthony.
Bunnell	Doris	Kay.
Calvin	William Jr.	
Chan	Albert	Sun Chi.
Chen	Nancy.	
Chen	Hsuan	Chih.
Cleere	Michael	Joseph.
Clever	Martin	George.
Cochran	Terry	Colleen.
Coffin	Michael	Wayne.
Coffin	Russell	Wid.
Egli	William	John.
Elkann	Lapo	Edovard.
Eskenazi	Claudio	Cintra.
Falby	Ruth.	
Farnsworth	Sara	Anne.
Geist	Aleksander	Olav.
Glover	Incha	Yu.
Goldsmith	Charlotte	Boulay De La Meurthe.
Grant	David	Raymond.
Greene	Paula.	
Greene	Norvin	Gair.
Hamid	Mosbah	A Abdel.
Harel	Sharon.	
Helies	Sonja.	
Hienz	Stefan	Albert.
Hijazi	Muhannad	Nabil.
Hoffenberg	Jennings	Luis Igel.
Hoffman	Jutta	Marianne.
Honegger-Heller	Norina.	
Hong	Min	Huong.
Hsu	Victor	Yee Yan.
Hui	Cindi	Ming Ming.
Hui	Vicki	Ching Ching.
Husted	Martha	A.
Jackson	Frances	Miriam.
Jaeggi	Matthias	Ernst.
Kaehny-Simonius	Jacqueline	Maria Elisabeth.
Kao	Betty	Lee.
Keehan	Anne	Louise.
Keil	Gerald	Cochran.
Keller-Sigg	Bettina	Claudia.
King	Andrea	Victoria.
Koppenhoefer	Ulrike	Janet.
Kroll	Fredric	Joseph.
Laake	Gertrud.	
Lee	Tsyr-Hsioung.	
Lehbruner	Franz	Josef.
Li	Wai	Kong.
Liem	Michael	Joseph Hsiang.

Last	First	Middle
Loughran	James	Anthony.
Lu	Ping.	
Martin	Nicolas	Alain.
Mazzi	Ferdinando.	
Meacock	Timothy	Charles.
Mohamed	Kamal	Mohamed Helmy A.
Moltedo	Vittorio.	
Moltedo	Laura	Braggion.
Monroe	Henry.	
Mun	Chul.	
Musitano	Joan	Hanako.
Myklestad	Terje.	
Neves	Henrique	Sutton De Sousa.
Ordermatt	Allen	Joseph.
Ordonez	Michael	A.
Petty	Lee	Kitson.
Piasko	Elizabeth	Colson.
Pobst	Arnold	Roy.
Pollock	Bruce	Milton.
Poon	Roger	Fat Chi.
Powell	Jamie	Michael.
Radway	Sibilla	Maria.
Rishani	Ramzi	Youssef.
Rojas	Hermann	Joseph.
Rudolph	Peter	Klaus C.
Sasaki	Marina.	
Scarboro	Andrea	Dale.
Schatz	Peer	Michael.
Schmaz	Ingeborg	Ursula.
Schmaz	Johannes	Erhard.
Schuk	Lynn	Elizabeth.
Seiler	Patricia	Jean.
Shapro	Norman	Lee.
Sheppard	Stanley	Alexander Ewing.
Shook	Corinne.	
Sippel	Jason	Edwin.
Sursock	Roxana	Aleya Saphire.
Tenenbaum	Meyer	Abraham.
Thomas	Stanley	Joseph.
Tsai	John.	
Tsui	Raymond	Tai Hoi.
Ulbrich	Tina	Schultz.
Ulvert	Charles	Joseph.
Van Skyhawk	Hugh	Charles.
Walti	Adrian.	
Wantman	Mayer	Elihu.
Weir	Andrew	James.
Zitzlaff	Frank	Erich.

Dated: April 2, 2002.

Samuel Brown,

Team Manager—Examination Operation, Philadelphia Compliance Services.

[FR Doc. 02–9801 Filed 4–19–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0568]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement, without change, of a previously approved collection for which approval has expired, and allow 60 days for public comment in response to the notice. This notice solicits comments for information requesting accredited schools to submit catalogs to the State approving agencies to approve courses for training under VA's education programs.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 21, 2002.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 or e-mail: *irmnkess@vba.va.gov*. Please refer to ''OMB Control No. 2900–0568'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44

U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Submission of School Catalog to the State Approving Agency.

OMB Control Number: 2900–0568.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: Accredited educational institutions, with the exceptions of elementary and secondary schools, must submit a copy of their catalog to the State approving agency when applying for approval of a new course. State approval agencies use the catalogs to determine what courses can be approved for VA training. Without this information, claimants may not receive educational assistance for unapproved courses.

Affected Public: Not-for-profit institutions, Business or other for-profit.

Estimated Annual Burden: 1,900 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 7,600.

Dated: April 11, 2002.

By direction of the Secretary.

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 02–9709 Filed 4–19–02; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0594]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement, without change, of a previously approved collection for which approval has expired, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine which benefit is payable based on the claimant's Selected Reserve service.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 21, 2002.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail: *irmnkess@vba.va.gov*. Please refer to ''OMB Control No. 2900–0594'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Election to Apply Selected Reserve Services to Either Montgomery GI Bill-Active Duty or to the Montgomery GI Bill-Selected Reserve—38 CFR 21.7042 and 21.7540.

OMB Control Number: 2900–0594.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: VA is authorized to pay educational benefits to veterans, persons on active duty, and reservists, and eligible persons pursuing approved programs of education. This information collection relates to elections between chapters 30 and 1606 education benefits. Reservists must make elections in writing. The election takes effect when the individual either negotiates a check or receives education benefits via direct deposit or electronic funds transfer under the program elected. The election is used to determine which benefit is payable based on the individual's Selected Reserve service.

Affected Public: Individuals or households.

Estimated Annual Burden: 12 hours.

Estimated Average Burden Per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 36.

Dated: April 11, 2002.

By direction of the Secretary.

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 02–9710 Filed 4–19–02; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0576]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the

proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement, without change, of a previously approved collection for which approval has expired, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed from claimant's affirming his or her enrollment agreement for a correspondence course.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 21, 2002.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 or e-mail: *irmnkess@vba.va.gov*. Please refer to ''OMB Control No. 2900–0576'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Certificate of Affirmation of Enrollment Agreement—Correspondence Course (Under Chapters 20, 32, & 35, Title 38 U.S.C., Section 903 of PL 96–342, or Chapter 1606, Title 10, U.S.C.

OMB Control Number: 2900–0576.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: VA is required to pay educational benefits for correspondence training under Chapters 20, 32, & 35, Title 38 U.S.C., Section 903 of Public Law 96–342, or Chapter 1606, Title 10, U.S.C. When a claimant enrolls in a correspondence training course, he or she must sign VA Form 22–1990c and submit the form to the correspondence school to affirm the enrollment agreement contract. The correspondence school's certifying official attaches an enrollment certification to VA Form 22–1999c and submits both forms to VA for processing. Without this information, VA could not determine if the claimant has been informed of the 10-day reflection period required by law and whether or not to pay education benefits for correspondence training.

Affected Public: Individuals or households.

Estimated Annual Burden: 235 hours.

Estimated Average Burden Per Respondent: 3 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 4,700.

Dated: April 11, 2002.

By direction of the Secretary.

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 02–9711 Filed 4–19–02; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Monday,
April 22, 2002

Part II

Department of Education

State Flexibility Program; Notice

DEPARTMENT OF EDUCATION

State Flexibility Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice of proposed application requirements, selection criteria, and competition schedule.

SUMMARY: We propose application requirements, selection criteria, and a competition schedule for granting State educational agencies (SEAs) State flexibility (State-Flex) authority under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (Pub. L. 107–110). We are taking this action to implement the State-Flex competitions, under which the Secretary will grant State-Flex authority to up to seven SEAs. The authority will assist these SEAs, and the local educational agencies (LEAs) with which they enter into performance agreements, in making adequate yearly progress and narrowing achievement gaps.

DATES: We must receive your comments and recommendations on the application requirements, selection criteria, and competition schedule proposed in this notice on or before May 22, 2002.

ADDRESSES: Address all comments about the application requirements, selection criteria, and competition schedule proposed in this notice to Mr. Charles Lovett, Group Leader, Office of School Support and Technology Programs, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E241, Washington, DC 20202. If you prefer to send your comments by facsimile transmission, use the following number: (202) 205–5870. If you prefer to send your comments through the Internet, use the following address: *charles.lovett@ed.gov.*

If you want to comment on the information collection requirements, you must send your comments to the Department representative named in this section.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Lovett, Group Leader. Telephone: (202) 401–0039 or via Internet: *charles.lovett@ed.gov.*

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SUPPLEMENTARY INFORMATION:

Invitation to Comment

We invite you to submit comments regarding the proposed application requirements and selection criteria. All comments submitted in response to this notice will be available for public inspection, during and after the comment period, in Room 3E241, 400 Maryland Avenue, SW., Washington, DC between the hours of 8:30 a.m. and 4 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments. If you want to schedule an appointment for this type of aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

General

The ESEA, as amended, authorizes the Secretary of Education to grant State flexibility (State-Flex) authority to up to seven State educational agencies (SEAs). (20 U.S.C. 7311 *et seq.*) With this authority, SEAs may (1) consolidate certain Federal education funds that are provided for State-level activities and State administration and use those funds for any educational purpose authorized under the ESEA in order to meet the State's definition of adequate yearly progress (AYP) under section 1111(b)(2) of the ESEA and advance the education priorities of the State and its LEAs; and (2) specify how LEAs in the State may use funds allocated under section 5112(a) of the ESEA (State Grants for Innovative Programs). In addition, an SEA with State-Flex authority must enter into performance agreements with not fewer than four, nor more than ten, LEAs (at least half of which must be high-poverty LEAs), giving those LEAs the flexibility to consolidate certain Federal education funds and to use those funds for any educational purpose permitted under the ESEA in order to meet the State's definition of AYP and specific, measurable goals for improving student achievement and narrowing achievement gaps. An SEA must propose the LEA performance agreements as part of its State-Flex application to the Secretary, and the Secretary will approve the agreements as part of the grant of State-Flex authority.

The purpose of the program is to create options for SEAs selected for State-Flex authority and for LEAs that enter into performance agreements to —

(1) Improve the academic achievement of all students and to focus the resources of the Federal government on this achievement;

(2) Improve teacher quality and subject matter mastery, especially in mathematics, reading, and science;

(3) Better empower parents, educators, administrators, and schools to effectively address the needs of their children and students;

(4) Provide greater flexibility in determining how to increase their students' academic achievement and implement education reforms in their schools;

(5) Eliminate barriers to implementing effective State and local education reform, while preserving the goals of opportunity for all students and accountability for student progress;

(6) Hold them accountable for increasing the academic achievement of all students, especially disadvantaged students; and

(7) Narrow achievement gaps between the lowest and highest achieving groups of students so that no child is left behind.

The Secretary will grant State-Flex authority to SEAs on a competitive basis using a peer review process. The grant of State-Flex authority will be for a period of five years, but that time period may be shortened or extended depending on an SEA's compliance with the terms of the grant of authority and the performance of SEAs and LEAs with performance agreements under that authority.

To be eligible for State-Flex, an SEA must submit to the Department an application that, among other things, demonstrates that the grant of authority offers substantial promise of (1) assisting the SEA in making adequate yearly progress; and (2) aligning State and local reforms and assisting the LEAs that enter into performance agreements with the SEA in making adequate yearly progress.

An SEA does not receive additional Federal funding for participating in State-Flex. Rather, an SEA with State-Flex authority receives greater flexibility in spending funds allocated for State-level activities and for State administration under the following ESEA provisions: section 1004 (Improving the Academic Achievement of Disadvantaged Children); paragraphs (4) and (5) of section 1202(d) (Reading First); section 2113(a)(3) (Teacher and Principal Training and Recruitment); section 2412(a)(1) (Enhancing Education

through Technology); subsection (a) of section 4112 (Safe and Drug-Free Schools and Communities Governor's funds, with agreement of the Governor); subsection (b)(2) and (c)(1) of section 4112 (Safe and Drug-Free Schools and Communities SEA funds); paragraphs (2) and (3) of section 4202(c) (21st Century Community Learning Centers); and section 5112(b) (Innovative Programs). An SEA with State-Flex authority may consolidate and use these funds for any educational purpose authorized under the ESEA in order to make adequate yearly progress and advance the educational priorities of the State and the LEAs with which the SEA enters into performance agreements. In addition, an SEA with State-Flex authority may specify how all LEAs in the State must use the funds that they receive under section 5112(a) of the ESEA, but the SEA must comply with the requirements in part A of title V for allocating those funds.

As noted above, an SEA seeking State-Flex authority must propose to enter into performance agreements with not less than four, nor more than ten, LEAs. At least half of these LEAs must be ''high-poverty LEAs,'' which are defined in section 6141(b)(2) of the ESEA as LEAs in which 20 percent or more of the children who are age five through seventeen and served by the LEAs are from families with incomes below the Federal poverty line. The term ''poverty line'' is defined in section 9101(33) of the ESEA.

If any of an SEA's proposed performance agreements involve a consortium of two or more LEAs rather than an individual LEA, each LEA in the consortium is counted separately for purposes of determining compliance with the statutory provision governing the number of LEAs in a State that may enter into agreements and of determining if at least half of the participating LEAs are high-poverty LEAs.

The Secretary will approve the performance agreements as part of his initial grant of State-Flex authority to an SEA. An SEA may subsequently seek to amend its grant of authority to add or remove performance agreements, but at no time may there be performance agreements with fewer than four nor more than ten LEAs, at least half of which must be with high-poverty LEAs.

Like an SEA that receives State-Flex authority from the Secretary, an LEA that enters into a performance agreement with its SEA does not receive additional Federal funding for entering into the agreement. Rather, the LEA receives additional flexibility in spending funds that are allocated to it by formula under the following ESEA provisions: Subpart 2 of part A of title II (Teacher and Principal Training and Recruiting); subpart 1 of part D of title II (Enhancing Education Through Technology); subpart 1 of part A of title IV (Safe and Drug-Free Schools and Communities); and subpart 1 of part A of title V (Innovative Programs). An LEA with a performance agreement may consolidate and use these funds for any educational purpose authorized under the ESEA in order to make adequate yearly progress and meet specific, measurable goals for improving student achievement and narrowing achievement gaps. The activities that an LEA would undertake under a performance agreement must be consistent with the activities that an SEA would undertake with its grant of authority. An LEA must also demonstrate that it would meet the general purposes of the programs included in the consolidation.

Participation in State-Flex does not relieve an SEA or the LEAs with which it enters into performance agreements of their responsibility to provide equitable services for private school students and teachers under the affected programs.

The performance agreements between an SEA and LEAs in States with State-Flex authority are essentially the same as the local flexibility (Local-Flex) demonstration agreements between the Secretary and LEAs in States that do not have State-Flex authority. On February 22, 2002, the Secretary published in the **Federal Register** (67 FR 8442–8444) a notice proposing application requirements and selection criteria for the Local-Flex program, which is authorized under sections 6151 through 6156 of the ESEA, and announcing that the Department intends to conduct two Local-Flex and two State-Flex competitions. We encourage you to review the Local-Flex notice in order to gain a better understanding of the relationship between State-Flex and Local-Flex. This notice is available on the Department's web site at: *http://www.ed.gov/legislation/FedRegister*.

As discussed in the Local-Flex notice, under the Local-Flex program the Secretary may enter into local flexibility demonstration agreements with (1) no more than three LEAs in a State; (2) a total of no more than 80 LEAs; and (3) only LEAs in States that do not have State-Flex authority. Furthermore, under the Local-Flex legislation, if an SEA notifies the Secretary, by May 8, 2002, that it will be applying for State-Flex, an LEA in that State will be precluded from applying for Local-Flex until the Department makes a final determination concerning the SEA's State-Flex application, should the SEA subsequently submit one. The May 8, 2002 date is not the deadline for submission of a State-Flex application. Rather, it is the final date by which an SEA may preclude its LEAs from applying for Local-Flex by the SEA notifying the Department that it intends to apply for State-Flex.

An SEA that chooses not to notify the Department prior to May 8, 2002 that it will be applying for State-Flex may nonetheless seek State-Flex authority when the State-Flex competitions are conducted. LEAs in that State, however, would have an opportunity to seek Local-Flex before that SEA seeks State-Flex. An SEA would not be precluded from applying for State-Flex so long as it agrees to incorporate into its State-Flex proposal any Local-Flex agreements already entered into between the Secretary and LEAs in the State.

In the February 22, 2002 **Federal Register** notice, the Secretary indicated that he intends to publish a notice inviting applications for the first Local-Flex competition during the spring and would select the initial group of Local-Flex participants shortly thereafter. The Secretary also announced that he intends to conduct the initial State-Flex competition in late summer and would select three to four SEAs for State-Flex during that competition. Later this year, the Secretary would hold another Local-Flex and State-Flex competition. The Secretary invited comments on the proposed two-staged processes and will announce the final State-Flex and Local-Flex competition processes in a future notice in the **Federal Register**.

I. Proposed State-Flex Application Requirements

In order that the Secretary can select State-Flex participants in accordance with the statutory requirements, the Secretary proposes that State-Flex applicants be required to submit the following information, together with other information addressing the application requirements in sections 6141(b) and (c) of the ESEA and the proposed selection criteria:

(a) *Evidence of the State's definition of adequate yearly progress.* Each SEA seeking a grant of State-Flex authority from the Secretary would be required to provide, as part of its application, evidence that the State has established a definition of adequate yearly progress (AYP) that meets the requirements in section 1111(b)(2)(B) of the reauthorized ESEA, unless the SEA has already submitted to the Department evidence that it has established an AYP definition that meets the new statutory

requirements. An SEA would be eligible to participate in State-Flex only if the State has established the required AYP definition and its definition is reviewed by peer reviewers and approved by the Secretary either prior to the SEA's submission of a State-Flex application or as part of the State-Flex review process. (A description of the new AYP requirements is provided in a January 18, 2002 **Federal Register** notice (67 FR 2770–2772) requesting advice and recommendations on regulatory issues, which is available on the Department's website at *http://www.ed.gov/legislation/FedRegister.)*

(b) *The SEA's strategies for consolidating funds, making adequate yearly progress, and advancing the education priorities of the State.* Each SEA seeking State-Flex authority would submit a five-year plan that describes how the SEA would consolidate and use funds from programs included in the scope of the State-Flex authority to assist the SEA in making adequate yearly progress and in advancing the education priorities of the State and the LEAs with which the SEA enters into performance agreements. In describing strategies for using State-Flex to make adequate yearly progress and to advance its education priorities, an SEA would also describe the specific limitations, if any, that it would impose on the use of funds provided to LEAs in the State under section 5112(a) of the ESEA.

(c) *Proposed performance agreements with LEAs.* Each SEA seeking State-Flex authority would submit, as part of its application, five-year performance agreements that the SEA proposes to enter into with not fewer than four, and not more than ten, LEAs (at least half of which must be high-poverty LEAs). The SEA would indicate why it proposes to enter into agreements with these LEAs rather than other LEAs in the State.

The SEA would describe the strategies that each LEA with a performance agreement would implement in order to meet the State's definition of adequate yearly progress and the LEA's specific, measurable goals for improving student achievement and narrowing achievement gaps. In particular, the SEA would describe how each of these LEAs would consolidate and use funds received under subpart 2 of part A of title II (Teacher and Principal Training and Recruitment); subpart 1 of part D of title II (Enhancing Education Through Technology); subpart 1 of part A of title IV (Safe and Drug-Free Schools and Communities); and subpart 1 of part A of title V (Innovative Programs); and what each LEA would seek to achieve under its proposed agreement. The SEA would describe how an LEA's use of consolidated funds under a performance agreement would be consistent with the activities that the SEA would undertake with its grant of State-Flex authority. The goals in each LEA's proposed performance agreement would have to relate to the State's definition of AYP under section 1111(b)(2)(B) of the ESEA.

II. Proposed State-Flex Selection Criteria

The Secretary proposes to use the following criteria in selecting the SEAs to which he will grant State-Flex authority:

(a) *Identification of the Need for the State-Flex Authority and the Proposed Performance Agreements.* The Secretary considers the SEA's need for State-Flex authority, including the need for the performance agreements that the SEA proposes in its State-Flex application. In determining need, the Secretary considers the extent to which—

(i) The SEA's proposal identifies achievement gaps among different groups of students, particularly in each of the LEAs with which the SEA proposes to enter into a performance agreement.

(ii) The State-Flex authority and proposed performance agreements would address the needs of students most at risk of educational failure.

(iii) The LEAs that would enter into performance agreements with the SEA serve a substantial portion of the students in the State who are most at risk of educational failure.

(iv) Requirements in the Federal programs that the SEA and LEAs with performance agreements would consolidate create barriers to implementing specific State and local education reform strategies.

(b) *Quality of SEA and LEA Strategies for Making Adequate Yearly Progress and Enhancing Education Priorities.* The Secretary considers the quality of the strategies that the SEA will implement under its grant of State-Flex authority, including the quality of the strategies in each of the proposed performance agreements, for making adequate yearly progress and for enhancing State and local education priorities. In determining the quality of these strategies, the Secretary considers the extent to which—

(i) The strategies that the SEA proposes for consolidating and using funds under the scope of the State-Flex authority and for directing how LEAs in the State will use funds under section 5112(a) of the ESEA will likely assist the State in meeting its definition of adequate yearly progress and in advancing its education priorities.

(ii) The performance agreements that the SEA proposes to enter into with LEAs in the State will likely assist the State in meeting its definition of adequate yearly progress and in advancing its education priorities.

(iii) The strategies in each of the proposed performance agreements, especially the strategies for consolidating and using funds under the scope of the agreements, will likely assist each affected LEA in meeting the State's definition of adequate yearly progress and specific, measurable goals for improving student achievement and narrowing achievement gaps.

(iv) The State-Flex proposal and each of the proposed performance agreements represent a coherent, sustained approach for meeting the purposes of the State-Flex program.

(v) The timelines for implementing the strategies in the State-Flex proposal, including timelines in the proposed performance agreements, are reasonable.

(c) *Quality of the Management Plans.* The Secretary considers that quality of the management plans that the SEA and affected LEAs would follow in implementing State-Flex activities. In reviewing the quality of the management plans, the Secretary considers the extent to which—

(i) The SEA will provide effective technical assistance and support to LEAs with performance agreements.

(ii) The SEA and each LEA with a performance agreement will use disaggregated student achievement data and data on other academic indicators to manage their proposed activities, to monitor their own progress on an ongoing basis, and to make appropriate adjustments to their implementation strategies.

(iii) The SEA will monitor LEA activities under each of the performance agreements, evaluate the effectiveness of each agreement, and propose modifications to LEA activities or to the agreements, as appropriate.

(d) *Adequacy of the Resources.* The Secretary considers the adequacy of the resources for the grant of State-Flex authority and the proposed performance agreements. In considering the adequacy of the resources, the Secretary considers the extent to which —

(i) The funds that the SEA proposes to consolidate under the grant of State-Flex authority are adequate to support the strategies that it seeks to implement with these funds.

(ii) The funds that each LEA would consolidate under its respective performance agreement are adequate to support the strategies in its agreement.

(iii) The SEA will coordinate the activities supported with funds

consolidated under its grant of State-Flex authority with activities funded with other resources to meet the purposes of the State-Flex initiative.

(iv) Each LEA with a performance agreement will coordinate the activities supported with funds consolidated under its agreement with activities funded with other resources to meet the purposes of the agreement.

(v) The costs that the SEA and affected LEAs will incur under the grant of State-Flex authority and the proposed performance agreements are reasonable in relationship to the goals that will be achieved.

III. Proposed Competition Schedule

In the notice proposing application requirements and selection criteria for the Local-Flex program (67 FR 8442–8444), the Secretary announced that the Department intends to conduct two Local-Flex competitions and two State-Flex competitions. The Secretary received no comments on the two-staged processes for these flexibility programs.

The Secretary plans to publish a notice inviting applications for the first round of State-flex applications during June 2002. Those applications would be due on October 1, 2002. Under the application requirements that are proposed above, an SEA seeking State-Flex authority at that time would be required to submit, among other things, evidence that the State has established a definition of adequate yearly progress that meets the requirements in section 1111(b)(2)(B) of the reauthorized ESEA, unless the SEA has already submitted to the Department evidence that the State has already established an AYP definition that meets the new statutory requirements. The SEA would also have to submit its strategies for consolidating funds, and proposed performance agreements with not fewer than four, nor more than ten, LEAs.

The Secretary proposes to grant three to four SEAs State-Flex authority in the initial competition, and would award the remaining State-Flex slots in a subsequent competition that would be announced later this year.

The Secretary invites comments on whether this competition schedule is reasonable and provides SEAs with sufficient time and opportunity to seek State-Flex authority in light of the new Title I requirements.

Executive Order 12866

This notice has been reviewed in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the notice are those resulting from statutory requirements and those we have determined as necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of this notice, we have determined that the benefits justify the costs.

We have also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

Summary of Potential Costs and Benefits: It is not anticipated that the application requirements proposed in this notice will impose any significant costs on applicants. Since these regulations provide a basis for the Secretary to grant State-Flex authority to up to seven SEAs, giving the SEAs the flexibility to consolidate certain Federal education funds, direct LEAs' use of funds under part A of title V of the ESEA, and enter into performance agreements with four to ten LEAs, the regulations would not impose any unfunded mandates on States or LEAs. The benefits of the program are described in the SUMMARY section of this notice.

Regulatory Flexibility Act Certification

The Secretary certifies that the requirements in this notice would not have a significant economic impact on a substantial number of small entities. The small entities affected by this notice would be small LEAs. Since the Secretary is authorized to grant State-Flex authority only to seven SEAs, and each of those SEAs must enter into performance agreements with four to ten LEAs, the requirements proposed in this notice will not affect a significant number of LEAs. In addition, these requirements are minimal and are necessary to ensure effective program management.

Federalism

Executive Order 13132 requires us to ensure meaningful and timely input by State and local elected officials in the development of regulatory policies that have federalism implications. ''Federalism implications'' means 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. Although we do not believe these proposed application requirements and selection criteria would have federalism implications as defined in Executive Order 13132, we encourage State and local elected officials to review them and to provide comments.

Paperwork Reduction Act of 1995

This document contains proposed data requirements. The feedback received on these data requirements will eventually result in a new information collection and will be under the review of the Office of Management and Budget (OMB) until OMB approves the data requirements at the time of the final notice.

If you want to comment on the proposed information collection requirements, please send your comments to Mr. Charles Lovett, Office of School Support and Technology Programs, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E241, Washington, DC 20202.

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Program Authority: 20 U.S.C. 7311 *et seq.*

Dated: April 17, 2002.

Susan B. Neuman,

Assistant Secretary for Elementary and Secondary Education.

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Federal Register

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April 22, 2002

Part III

The President

Proclamation 7542—Death of Byron R. White

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Presidential Documents

Title 3—

The President

Proclamation 7542 of April 17, 2002

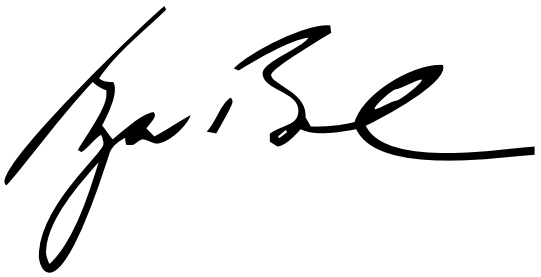
Death of Byron R. White

By the President of the United States of America

A Proclamation

As a mark of respect for the memory of Byron R. White, retired Associate Justice of the Supreme Court of the United States, I hereby order, by the authority vested in me as President by the Constitution and the laws of the United States of America, that the flag of the United States shall be flown at half-staff on the day of his interment. On such day the flag shall be flown at half-staff until sunset upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions; and at all U.S. embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of April, 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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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at *http://www.nara.gov/fedreg/plawcurr.html*.

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H.R. 1499/P.L. 107–157

District of Columbia College Access Improvement Act of 2002 (Apr. 4, 2002; 116 Stat. 118)

H.R. 2739/P.L. 107–158

To amend Public Law 107-10 to authorize a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2002 in Geneva, Switzerland, and for other purposes. (Apr. 4, 2002; 116 Stat. 121)

H.R. 3985/P.L. 107–159

To amend the Act entitled ''An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases'', approved August 9, 1955, to provide for binding arbitration clauses in leases and contracts related to reservation lands of the Gila River Indian Community. (Apr. 4, 2002; 116 Stat. 122)

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33 Parts:			
1–124	(869–044–00120–9)	45.00	July 1, 2001
125–199	(869–044–00121–7)	55.00	July 1, 2001
200–End	(869–044–00122–5)	45.00	July 1, 2001
34 Parts:			
1–299	(869–044–00123–3)	43.00	July 1, 2001
300–399	(869–044–00124–1)	40.00	July 1, 2001
400–End	(869–044–00125–0)	56.00	July 1, 2001
35	(869–044–00126–8)	10.00	[6]July 1, 2001
36 Parts			
1–199	(869–044–00127–6)	34.00	July 1, 2001
200–299	(869–044–00128–4)	33.00	July 1, 2001
300–End	(869–044–00129–2)	55.00	July 1, 2001
37	(869–044–00130–6)	45.00	July 1, 2001
38 Parts:			
0–17	(869–044–00131–4)	53.00	July 1, 2001
18–End	(869–044–00132–2)	55.00	July 1, 2001
39	(869–044–00133–1)	37.00	July 1, 2001
40 Parts:			
1–49	(869–044–00134–9)	54.00	July 1, 2001
50–51	(869–044–00135–7)	38.00	July 1, 2001
52 (52.01–52.1018)	(869–044–00136–5)	50.00	July 1, 2001
52 (52.1019–End)	(869–044–00137–3)	55.00	July 1, 2001
53–59	(869–044–00138–1)	28.00	July 1, 2001
60 (60.1–End)	(869–044–00139–0)	53.00	July 1, 2001
60 (Apps)	(869–044–00140–3)	51.00	July 1, 2001
61–62	(869–044–00141–1)	35.00	July 1, 2001
63 (63.1–63.599)	(869–044–00142–0)	53.00	July 1, 2001
63 (63.600–63.1199)	(869–044–00143–8)	44.00	July 1, 2001
63 (63.1200-End)	(869–044–00144–6)	56.00	July 1, 2001
64–71	(869–044–00145–4)	26.00	July 1, 2001
72–80	(869–044–00146–2)	55.00	July 1, 2001
81–85	(869–044–00147–1)	45.00	July 1, 2001
86 (86.1–86.599–99)	(869–044–00148–9)	52.00	July 1, 2001
86 (86.600–1–End)	(869–044–00149–7)	45.00	July 1, 2001
87–99	(869–044–00150–1)	54.00	July 1, 2001
100–135	(869–044–00151–9)	38.00	July 1, 2001
136–149	(869–044–00152–7)	55.00	July 1, 2001
150–189	(869–044–00153–5)	52.00	July 1, 2001
190–259	(869–044–00154–3)	34.00	July 1, 2001
260–265	(869–044–00155–1)	45.00	July 1, 2001
266–299	(869–044–00156–0)	45.00	July 1, 2001
300–399	(869–044–00157–8)	41.00	July 1, 2001
400–424	(869–044–00158–6)	51.00	July 1, 2001
425–699	(869–044–00159–4)	55.00	July 1, 2001
700–789	(869–044–00160–8)	55.00	July 1, 2001
790–End	(869–044–00161–6)	44.00	July 1, 2001
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–044–00162–4)	22.00	July 1, 2001
101	(869–044–00163–2)	45.00	July 1, 2001
102–200	(869–044–00164–1)	33.00	July 1, 2001
201–End	(869–044–00165–9)	24.00	July 1, 2001
42 Parts:			
1–399	(869–044–00166–7)	51.00	Oct. 1, 2001
400–429	(869–044–00167–5)	59.00	Oct. 1, 2001
430–End	(869–044–00168–3)	58.00	Oct. 1, 2001
43 Parts:			
1–999	(869–044–00169–1)	45.00	Oct. 1, 2001
1000–end	(869–044–00170–5)	56.00	Oct. 1, 2001
44	(869–044–00171–3)	45.00	Oct. 1, 2001
45 Parts:			
1–199	(869–044–00172–1)	53.00	Oct. 1, 2001
200–499	(869–044–00173–0)	31.00	Oct. 1, 2001
500–1199	(869–044–00174–8)	45.00	Oct. 1, 2001
1200–End	(869–044–00175–6)	55.00	Oct. 1, 2001
46 Parts:			
1–40	(869–044–00176–4)	43.00	Oct. 1, 2001
41–69	(869–044–00177–2)	35.00	Oct. 1, 2001
70–89	(869–044–00178–1)	13.00	Oct. 1, 2001
90–139	(869–044–00179–9)	41.00	Oct. 1, 2001
140–155	(869–044–00180–2)	24.00	Oct. 1, 2001
156–165	(869–044–00181–1)	31.00	Oct. 1, 2001
166–199	(869–044–00182–9)	42.00	Oct. 1, 2001
200–499	(869–044–00183–7)	36.00	Oct. 1, 2001
500–End	(869–044–00184–5)	23.00	Oct. 1, 2001
47 Parts:			
0–19	(869–044–00185–3)	55.00	Oct. 1, 2001
20–39	(869–044–00186–1)	43.00	Oct. 1, 2001
40–69	(869–044–00187–0)	36.00	Oct. 1, 2001
70–79	(869–044–00188–8)	58.00	Oct. 1, 2001
80–End	(869–044–00189–6)	55.00	Oct. 1, 2001
48 Chapters:			
1 (Parts 1–51)	(869–044–00190–0)	60.00	Oct. 1, 2001
1 (Parts 52–99)	(869–044–00191–8)	45.00	Oct. 1, 2001
2 (Parts 201–299)	(869–044–00192–6)	53.00	Oct. 1, 2001
3–6	(869–044–00193–4)	31.00	Oct. 1, 2001
7–14	(869–044–00194–2)	51.00	Oct. 1, 2001
15–28	(869–044–00195–1)	53.00	Oct. 1, 2001
29–End	(869–044–00196–9)	38.00	Oct. 1, 2001
49 Parts:			
1–99	(869–044–00197–7)	55.00	Oct. 1, 2001
100–185	(869–044–00198–5)	60.00	Oct. 1, 2001
186–199	(869–044–00199–3)	18.00	Oct. 1, 2001
200–399	(869–044–00200–1)	60.00	Oct. 1, 2001
400–999	(869–044–00201–9)	58.00	Oct. 1, 2001
1000–1199	(869–044–00202–7)	26.00	Oct. 1, 2001

Title	Stock Number	Price	Revision Date
1200–End	(869–044–00203–5)	21.00	Oct. 1, 2001
50 Parts:			
1–199	(869–044–00204–3)	63.00	Oct. 1, 2001
200–599	(869–044–00205–1)	36.00	Oct. 1, 2001
600–End	(869–044–00206–0)	55.00	Oct. 1, 2001
CFR Index and Findings Aids	(869–044–00047–4)	56.00	Jan. 1, 2001
Complete 2001 CFR set		1,195.00	2001
Microfiche CFR Edition:			
Subscription (mailed as issued)		298.00	2000
Individual copies		2.00	2000
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Complete set (one-time mailing)		247.00	1999

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2001, through January 1, 2002. The CFR volume issued as of January 1, 2001 should be retained.

[5] No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2001. The CFR volume issued as of April 1, 2000 should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 2000, through July 1, 2001. The CFR volume issued as of July 1, 2000 should be retained.