

nor do they have different classes of shares. The commenter also recommended that Nasdaq revise proposed NASD Rule 7090(b) to state that “[i]f a UIT expires by its own terms during an annual billing period and is replaced within three months by a trust that has a materially similar investment objective, the replacing trust shall not be charged a one-time application fee.”<sup>14</sup>

In response to the commenter’s concerns, Nasdaq revised its proposal to adopt the commenter’s suggested requirements for the definition of a “materially similar” replacement trust.<sup>15</sup>

### III. Discussion

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association.<sup>16</sup> In particular, the Commission finds that the proposed rule change is consistent with the provisions of section 15A(b)(5)<sup>17</sup> of the Act, which requires that the rules of a national securities association provide for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility or system which the association operates or controls. The Commission notes that the proposed annual fees for UITs, equal to \$400 per trust authorized for the News Media Lists and \$275 per trust authorized for the Supplemental List, are identical to the annual fees currently assessed for mutual funds included in the MFQS.<sup>18</sup> Nasdaq states that the annual fees support the NASD’s continuous monitoring of funds’ compliance with the standards for inclusion in the MFQS, for upgrading the technology used to collect and disseminate the MFQS, and for responding to requests of users and subscribers for service enhancements.<sup>19</sup>

In addition, as described more fully above, if a UIT expires by its own terms during an annual billing period and is replaced within three months by a trust that is materially similar in investment objective, the replacing trust will be charged a one-time application fee of \$150 rather than the standard \$250

application processing fee.<sup>20</sup> Although Nasdaq had hoped to waive the application processing fee for replacement UITs, Nasdaq concluded that it could offer only a \$100 fee waiver because a significant number of UITs will qualify as replacement UITs and because replacement UITs will require significant processing before entry in the MFQS.<sup>21</sup> Nasdaq notes that the application fee supports the Fund Operations personnel who are required to review, record, and enter each fund into the MFQS for subsequent dissemination to electronic or print subscribers.<sup>22</sup>

The Commission believes that the proposed fees will support the operations of the MFQS and the inclusion of UITs in the MFQS. In addition, the Commission believes that the proposed fees provide for the equitable allocation of fees among persons using the MFQS because the fees will be assessed to UITs in proportion to their usage of the MFQS. Accordingly, the Commission finds that the proposal provides for the equitable allocation of reasonable dues, fees, and other charges among persons using a system that the NASD operates and controls, consistent with Section 15A(b)(5).

Finally, as discussed more fully above, the Commission notes that Nasdaq revised its proposal to adopt the commenter’s suggested requirements for the definition of a “materially similar” replacement trust.

### IV. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,<sup>23</sup> that the proposed rule change (SR-NASD-00-82), as amended, is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.<sup>24</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 02-9857 Filed 4-22-02; 8:45 am]

**BILLING CODE 8010-01-P**

## DEPARTMENT OF STATE

### Bureau of Diplomatic Security, Office Foreign Missions, Diplomatic Motor Vehicles

[Public Notice 3995]

#### Notice of Information Collection Under Emergency Review: Department of State, Office of Foreign Missions, Diplomatic Motor Vehicle Office Applications for Registration (Mission Vehicle), Registration (Personal Vehicle), Title, and Replacement Plates; Forms DS-100, DS-101, DS-102 and DS-104; OMB Collection Number 1405-0072

**ACTION:** Notice.

**SUMMARY:** The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995.

*Type of Request:* Emergency Review.

*Originating Office:* DS/OFM/VTC/V.

*Title of Information Collection:*

Application for Registration (Mission Vehicle),

Application for Registration (Personal Vehicle),

Application for Title, and Application for Replacement Plates.

*Frequency:* As often as is necessary to register vehicles, issue titles and issue license plates.

*Form Numbers:* DS-100, DS-101, DS-102 & DS-104.

*Respondents:* Foreign mission personnel assigned to the United States: diplomatic agents, consular officers, administrative and technical staff, specified official representatives of foreign governments to international organizations, and their dependents.

*Estimated Number of Respondents:* 18,488.

*Average Hours Per Response:* .5 hours (30 minutes).

*Total Estimated Burden:* 9,244.

The proposed information collection is published to obtain comments from the public and affected agencies. Emergency review and approval of this collection has been requested from OMB by April 15, 2002. If granted, the emergency approval is only valid for 180 days. Comments should be directed to the State Department Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20530, who may be reached on 202-395-3897.

During the first 60 days of this same period a regular review of this information collection is also being

<sup>14</sup> See ICI Letter, *supra* note 4.

<sup>15</sup> See Amendment No. 1, *supra* note 5.

<sup>16</sup> In approving this rule, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>17</sup> 15 U.S.C. 78o-3(b)(5).

<sup>18</sup> The Commission approved these annual fees for mutual funds included in the MFQS in 2000. See Securities Exchange Act Release No. 42537 (March 16, 2000), 65 FR 15678 (March 23, 2000) (order approving File No. SR-NASD-99-77).

<sup>19</sup> See Amendment No. 4, *supra* note 8.

<sup>20</sup> See Amendment No. 1, *supra* note 5.

<sup>21</sup> See Amendment No. 4, *supra* note 8.

<sup>22</sup> See Amendment No. 4, *supra* note 8.

<sup>23</sup> 15 U.S.C. 78s(b)(2).

<sup>24</sup> 17 CFR 200.30-3(a)(12).

undertaken. Comments are encouraged and will be accepted until 60 days from the date that this notice is published in the **Federal Register**. The agency requests written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments are being solicited to permit the agency to:

- 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, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

**FOR FURTHER INFORMATION CONTACT:** Public comments, or requests for additional information, regarding the collection listed in this notice should be directed to Attn: Jacqueline D. Robinson, U.S. Department of State, Office of Foreign Missions, State Annex 33, Room 218, Washington, DC 20008, who may be reached on (202) 895-3500.

Dated: March 7, 2002.

**Theodore Strickler,**

*Deputy Assistant Secretary, Bureau of Diplomatic Security, Office of Foreign Missions, Department of State.*

[FR Doc. 02-9928 Filed 4-22-02; 8:45 am]

**BILLING CODE 4710-43-P**

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[USCG 2002-12032]

#### Guidelines for Assessing Merchant Mariners through Demonstrations of Proficiency in Medical First Aid

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of availability and request for comments.

**SUMMARY:** The Coast Guard announces the availability of, and seeks public comments on, the national performance measures proposed here for use as guidelines when mariners demonstrate their proficiency in Medical First Aid. These measures were developed from recommendations and input provided by the Merchant Marine Personnel Advisory Committee (MERPAC).

**DATES:** Comments and related material must reach the Docket Management Facility on or before June 24, 2002.

**ADDRESSES:** Please identify your comments and related material by the docket number of this notice [USCG 2002-12032]. Then, to make sure they enter the docket just once, submit them by just one of the following means:

- (1) By mail to the Docket Management Facility, U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001.
- (2) By delivery to 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. The telephone number is 202-366-9329.
- (3) By fax to the Docket Management Facility at 202-493-2251.
- (4) Electronically through the Web site for the Docket Management System at <http://dms.dot.gov>.

In choosing among these means, please give due regard to the recent difficulties with delivery of mail by the U.S. Postal Service to Federal facilities.

The Docket Management Facility maintains the public docket for this Notice. Comments and related material received from the public, as well as documents mentioned in this Notice, 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>.

The measures proposed here are also available from Mr. Mark Gould, Maritime Personnel Qualifications Division, Office of Operating and Environmental Standards, Commandant (G-MSO-1), U.S. Coast Guard Headquarters, telephone 202-267-0229, or e-mail address [mgould@comdt.uscg.mil](mailto:mgould@comdt.uscg.mil).

**FOR FURTHER INFORMATION CONTACT:** For questions on this Notice or on the national performance measures proposed here, e-mail or call Mr. Gould where indicated under **ADDRESSES**. For questions on viewing or submitting material to the docket, call Ms. Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202-366-9329.

**SUPPLEMENTARY INFORMATION:**

#### What Action Is the Coast Guard Taking?

Section A-VI/4-1 of the Code accompanying the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended in 1995, articulates qualifications for ensuring merchant mariners' attaining the minimum standard of competence through demonstrations of their proficiency in Medical First Aid. The Coast Guard tasked MERPAC with referring to the Section, modifying and specifying it as it deemed necessary, and recommending national performance measures. The Coast Guard has reviewed the measures recommended by MERPAC and has developed a final set that we are proposing here for use as guidelines for assessing that proficiency.

The guidelines are set up as follows: First we set forth the Competency within the STCW a mariner must demonstrate to meet the STCW section. Next we give a series of examples of Performance Conditions, a set of Performance Behaviors for each Performance Condition, and a set of Performance Standards for each Performance Behavior.

For example, if the Competency to demonstrate is: "Apply immediate first aid in the event of accident or illness on board," a Performance Condition for that Competency demonstrating knowledge, understanding, and proficiency is: In a graded practical exercise, give a simulated non-critical patient, \* \* \*

A Performance Behavior for that Condition is: \* \* \* the candidate will perform an initial assessment (primary survey).

A Performance Standard for that Behavior is: The candidate correctly assesses and treats, within 1 minute, life-threatening conditions, including: level of responsiveness; breathing; circulation; and severe bleeding.

If the mariner properly meets all of the Performance Standards, he or she passes the practical demonstration. If he or she fails to properly carry out any of the Standards, he or she fails it.

#### Why is the Coast Guard Taking This Action?

The Coast Guard is taking this action to comply with STCW, as amended in 1995 and incorporated into domestic regulations at 46 CFR parts 10, 12, and 15 in 1997. Guidance from the International Maritime Organization on shipboard assessments of proficiency suggests that Parties develop standards and measures of performance for