

**Authority:** 12 U.S.C. 1757, 1766, 1781–1790, and 1790d. Section 741.4 is also authorized by 31 U.S.C. 3717.

2. Amend § 741.3 as follows:

- Remove from the heading of paragraph (a) the words “Adequacy of”.
- Remove paragraph (a)(2); and
- Redesignate current paragraph (a)(3) as paragraph (a)(2).

## PART 747—ADMINISTRATIVE ACTIONS, ADJUDICATIVE HEARINGS, RULES OF PRACTICE AND PROCEDURE, AND INVESTIGATIONS

1. The authority citation for part 747 continues to read as follows:

**Authority:** 12 U.S.C. 1766, 1786, 1784, 1787, 1790d and 4806(a); and 42 U.S.C. 4012a.

2. Amend § 747.2005 of subpart L by revising paragraph (b)(2) to read as follows:

### § 747.2005 Enforcement of orders.

\* \* \* \* \*

(b) \* \* \*

#### (2) Failure to implement plan.

Pursuant to 12 U.S.C. 1786(k)(2)(A), the NCUA Board may assess a civil money penalty against a credit union which fails to implement a net worth restoration plan under subpart B of part 702 of this chapter or a revised business plan under subpart C of part 702, regardless whether the plan was published.

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## DEPARTMENT OF COMMERCE

### Bureau of the Census

#### 15 CFR Part 50

[Docket Number 020509117-2117-01]

RIN Number 0607-AA36

### Bureau of the Census Certification Process

**AGENCY:** Bureau of the Census, Department of Commerce.

**ACTION:** Notice of proposed rulemaking and request for comments.

**SUMMARY:** The Bureau of the Census (Census Bureau) proposes to establish the process for requesting certification of Census Bureau documents (*i.e.*, tables, maps, reports, *etc.*) and the pricing structure for that service. A certification confirms that a product is a true and accurate copy of a Census Bureau document. The Census Bureau is proposing this rule to create a

centralized system for certifying Census Bureau documents and to accurately reflect the true costs associated with certification.

**DATES:** Written comments must be submitted on or before July 5, 2002.

**ADDRESSES:** Please direct all written comments on this proposed program to the Director, U.S. Census Bureau, Room 2049, Federal Building 3, Washington, DC 20233.

### FOR FURTHER INFORMATION CONTACT:

Requests for additional information on this proposed rule should be directed to Les Solomon, Chief, Customer Services Center, Marketing Services Office, U.S. Census Bureau, Room 1585, Federal Building 3, Washington, DC 20233, (301) 763-5377 or by fax (301) 457-4714.

### SUPPLEMENTARY INFORMATION:

#### Background

At this time, there are no standard procedures or pricing policies in place regarding the certification process at the Census Bureau. Certifications are currently handled by individual divisions at the Census Bureau, and the prices charged do not reflect the full cost of the work involved.

Over the years, the volume of requests for certified Census Bureau documents has steadily increased. Title 13, section 8, allows the Census Bureau to provide certain statistical materials upon payment of costs for this service. With the release of Census 2000 data, the volume of requests for certified documents is expected to continue increasing. Substantial resources will be necessary to meet this demand. The proposed price structure reflects the cost of the resources used in fulfilling the expected requests, according to the kind of certification requested. Also reflected in the price is the level of difficulty (easy, moderate, or difficult) and time involved in compiling the certification. The two types of certification available are (1) “Impressed,” that is, impressing the Census Bureau seal on a document; and (2) “Attestation,” a signed statement by Census Bureau officials, attesting to the authenticity, accompanying a document onto which the Census Bureau seal has been impressed. Customers are to be charged a preset fee, as well as the standard cost of the data product (*e.g.*, report or map).

A certification may be needed for many reasons. For example, parties in a legal proceeding may wish to obtain a copy of a Census Bureau table or map that they wish to introduce into evidence, or local governments may

need official certification of census counts and boundary changes.

In order to create consistent certification rules, the Census Bureau proposes the following amendment to title 15, Code of Federal Regulations (CFR), part 50:

- Add new section, 50.50, containing the Census Bureau’s certification process.
- Establish a consistent pricing structure.
- Require requests for certifications to contain information on Form BC-1868(EF), Request for Official Certification. (See the Census Bureau’s Web site, <<http://www.census.gov/mso/www/certification/>>.)

### Administrative Procedure and Regulatory Flexibility Act

A notice of proposed rulemaking is not required by Title 5, United States Code (U.S.C.), section 553, or any other law, because this rule is procedural in nature and involves a matter relating to public property, loans, grants, benefits or contracts. Accordingly, it is exempt from the notice and comment provisions of the Administrative Procedure Act under 5 U.S.C. 553(a)(2) and 5 U.S.C. (b)(A). Therefore, the analytical requirements of the Regulatory Flexibility Act are not applicable (5 U.S.C. 601, *et seq.*). As a result, a Regulatory Flexibility Analysis is not required and none has been prepared.

### Executive Orders

This rule has been determined to be not significant for purposes of Executive Order 12866. This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

### Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA), Title 44, U.S.C., Chapter 35, unless that collection of information displays a current Office of Management and Budget control number. This notice does not represent a collection of information and is not subject to the PRA’s requirements. The form referenced in the rule, Form BC-1868(EF), will collect only information necessary to process a certification request. As such, it is not subject to the PRA’s requirements (5 CFR 1320.3(h)(1)).

**List of Subjects in 15 CFR Part 50**

Census data, Population census, Seals and insignia, Statistics.

**PART 50—SPECIAL SERVICES AND STUDIES BY THE BUREAU OF THE CENSUS**

1. The authority citation for 15 CFR part 50 continues to read as follows:

**Authority:** Sec. 3, 49 Stat. 293, as amended; 15 U.S.C. 192a. Interprets or applies sec. 1, 40 Stat. 1256, as amended; sec. 1, 49 Stat. 292; sec. 8, 60 Stat. 1013, as amended; 15 U.S.C. 192, 189a, 13 U.S.C. 8.

2. Add § 50.50 to read as follows:

**§ 50.50 Request for certification.**

(a) Upon request, the Census Bureau certifies certain statistical materials (such as the population and housing unit counts of government entities, published tabulations, maps, and other documents). The Census Bureau charges customers a preset fee for this service according to the kind of certification requested (either an impressed document or an attestation) and the level of difficulty involved in compiling it (easy, moderate, or difficult, determined according to the resources expended) as well as the set cost of the data product (e.g., report or map) to be certified. Certification prices are shown in the following table:

**PRICE BY TYPE OF CERTIFICATION**

Product	Estimated price	Estimated time to complete (hours)
Impress-easy .....	\$70.00	1.5
Impress-medium .....	110.00	3
Impress-difficult .....	150.00	4.5
Attestation-easy .....	160.00	3
Attestation-medium .....	200.00	4.5
Attestation-difficult .....	240.00	6

(b) There are two forms of certification available: Impressed Documents and Attestation.  
 (1) *Impressed Documents.* An impressed document is one that is certified by impressing the Census Bureau seal on the document itself. The Census Bureau act, Title 13, United States Code, Section 3, provides that the seal of the Census Bureau shall be affixed to all documents authenticated by the Census Bureau and that judicial notice shall be taken of the seal. This process attests that the document on which the seal is impressed is a true and accurate copy of a Census Bureau record.

(2) *Attestation.* Attestation is a more formal process of certification. It consists of a signed statement by a Census Bureau official that the document is authentic and produced or

published by the agency, followed by a signed statement of another Census Bureau official witnessing the authority of the first.

(c) Requests for certification should be submitted on Form BC-1868(EF), Request for Official Certification, to the Census Bureau by fax, (301) 457-4714 or by e-mail, [webmaster@census.gov](mailto:webmaster@census.gov). Form BC-1868(EF) will be available on the Census Bureau's Web site at: <http://www.census.gov/mso/www/certification/>. A letter request—without Form BC-1868(EF)—will be accepted only if it contains the information necessary to complete a Form BC-1868(EF). No certification request will be processed without payment of the required fee.

Dated: May 9, 2002.

**Charles Louis Kincannon,**

*Director, Bureau of the Census.*

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**BILLING CODE 3510-07-P**

**ADDRESSES:** You should mail or hand deliver written comments and requests to speak at the hearing to William J. Kovacic at the address listed below.

You may review copies of the Kentucky program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Lexington Field Office. William J. Kovacic, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 2675 Regency Road, Lexington, Kentucky 40503, Telephone: (859) 260-8400. E-mail: [bkovacic@osmre.gov](mailto:bkovacic@osmre.gov). Department of Surface Mining Reclamation and Enforcement, 2 Hudson Hollow Complex, Frankfort, Kentucky 40601, Telephone: (502) 564-6940.

**FOR FURTHER INFORMATION CONTACT:**

William J. Kovacic, Telephone: (859) 260-8400. Internet: [bkovacic@osmre.gov](mailto:bkovacic@osmre.gov).

**SUPPLEMENTARY INFORMATION:**

- Background on the Kentucky Program.
- Description of the Proposed Amendment.
- Public Comment Procedures.
- Procedural Determinations.

**I. Background on the Kentucky Program**

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, “a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of the Act \* \* \*; and rules and regulations consistent with regulations issued by the Secretary pursuant to the Act.” See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Kentucky program on May 18, 1982. You can find background information on the Kentucky program, including the Secretary’s findings, the disposition of comments, and conditions of approval of the Kentucky program in the May 18, 1982, **Federal Register** (47 FR 21404). You can also find later actions concerning Kentucky’s program and program amendments at 30 CFR 917.11, 917.12, 917.13, 917.15, 917.16, and 917.17.