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Presidential Documents

Title 3—

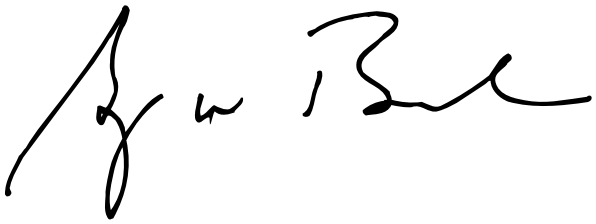
The President

Notice of November 6, 2002

Continuation of Emergency Regarding Weapons of Mass Destruction

On November 14, 1994, by Executive Order 12938, President Clinton declared a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the proliferation of nuclear, biological, and chemical weapons (weapons of mass destruction) and the means of delivering such weapons. On July 28, 1998, the President issued Executive Order 13094 to amend Executive Order 12938 to more effectively respond to the worldwide threat of weapons of mass destruction proliferation activities. Because the proliferation of weapons of mass destruction and the means of delivering them continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the national emergency first declared on November 14, 1994, and extended on November 14, 1995, November 12, 1996, November 13, 1997, November 12, 1998, November 10, 1999, November 12, 2000, and November 9, 2001, must continue in effect beyond November 14, 2002. In accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 12938, as amended.

This notice shall be published in the **Federal Register** and transmitted to the Congress.



THE WHITE HOUSE,
November 6, 2002.

[FR Doc. 02–28857
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Rules and Regulations

Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

7 CFR Part 610

RIN 0578–AA29

Conservation of Private Grazing Land

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: Section 386 of the Federal Agriculture Improvement and Reform Act (FAIRA) of 1996 authorizes the Secretary to provide a coordinated technical, educational, and related assistance program to conserve and enhance private grazing land resources. This rule sets forth a policy to implement the conservation technical assistance regulations as they relate to private grazing land conservation assistance.

EFFECTIVE DATE: November 12, 2002.

FOR FURTHER INFORMATION CONTACT: Mark W. Berkland, Director, Conservation Operations Division, NRCS, P.O. Box 2890, Washington, DC 20013–2890; telephone: (202) 720–1845; fax: (202) 720–4265; submit e-mail to *mark.berkland@usda.gov,* Attention: Conservation of Private Grazing Land.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be significant, and was reviewed by the Office of Management and Budget (OMB) under Executive Order 12866. Pursuant to Sec. 6(a)(3) of Executive Order 12866, the Natural Resources Conservation Service (NRCS) conducted an economic analysis of the potential impacts associated with this final rule. Copies of this economic analysis may be obtained from Mitch Flanagan, Conservation Operations Division, NRCS; telephone: (202) 690–5988; fax: (202) 720–4265; e-mail: *mitch.flanagan@usda.gov,* Attention: Conservation of Private Grazing Land.

Regulatory Flexibility Act

The Regulatory Flexibility Act is not applicable to this final rule. The Department of Agriculture (USDA) is not required by 5 U.S.C. 553, or any other provisions of law, to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

National Environmental Policy Act

The Conservation of Private Grazing Land (CPGL) Program does not consist of financial assistance, nor does it provide NRCS with the authority or opportunity to control the actions of private landowners and managers. The CPGL Program provides NRCS with the authority to provide management alternatives to landowners and managers about techniques to improve the quality of their grazing lands. The landowners and managers are responsible for determining which actions to take in which there would be positive environmental effects. There is no specific Federal action that would affect the human environment; therefore, there is no basis on which to conduct a meaningful analysis of environmental effects. In addition, the CPGL Program, and this regulation do not result in any irretrievable commitment of resources.

Paperwork Reduction Act

No substantive changes have been made to this rule that would affect the record-keeping requirements and estimated burdens previously reviewed and approved under OMB control number 0578–0013. Requesting technical assistance through the CPGL program may result in applying and receiving financial assistance through existing long-term contracting conservation programs. (0578–0013 Long-Term Contracting Paperwork Package). CPGL is not a financial assistance program.

Unfunded Mandates Reform Act of 1995

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995, Public Law 104–4, NRCS assessed the effects of this rulemaking action on State, local, tribal governments, and the public. The action does not comply with the expenditure of $100 million, or more, by any State, local, or tribal governments, or anyone in the private sector, and therefore, a statement under section 202 of the Unfunded Mandates Reform Act of 1995 is not required.

Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994

USDA classified this final rule as ''not major'' under Section 304 of the Department of Agriculture Reorganization Act of 1994, Public Law 103–354, therefore, a risk assessment is not required.

Purpose and Scope

Section 386 of the FAIRA of 1996, 16 U.S.C. 2005b, sets forth policy and authority for the conservation of private grazing land program. This rule sets forth policy for NRCS to implement the new authority when funded, as authorized by FAIRA.

NRCS' CPGL Program will expand the agency's capability to provide technical assistance. It is stated in 7 CFR Part 610 that the NRCS mission promotes the quality of all agricultural lands, including cropland, forestland, and grazing land. This also includes pastureland, rangeland, and grazed forestland so that the long-term sustainability of the resource base is achieved.

Private grazing land constitutes nearly one-half of the non-Federal land of the United States. This land is basic to the environmental, social, and economic stability of rural areas. Private grazing land includes private, State-owned, tribally owned, and any other non-Federally owned land managed to produce forage or browse. Grazing land is found in every State, and constitutes the single largest watershed cover type in the United States. Healthy grazing land is the foundation for economic sustainability of many communities, and is the cornerstone of a healthy environment.

Grazing land is the single largest private land use in the Nation. This land is voluntarily managed by over 1.2 million individuals. Less than 4 percent currently receive voluntary technical assistance through NRCS for the management of these natural resources.

The use of technical assistance is voluntary. The assistance will allow grazing land owners and managers to implement their conservation planning

decisions on private grazing land in order to maintain and improve grazing land resources.

NRCS' technical assistance program provides assistance to private grazing land owners and managers to address soil and water conservation issues. However, the conservation agenda continues to expand as a result of greater scientific understanding of ecosystems. This agenda increases the number of policy actions, as well as Federal, State, and local laws on environmental quality. These policy actions place new requirements on landowners and land users, thus increasing the need for voluntary conservation technical assistance to address emerging resource issues and regulations. Many of today's owners of grazing land have difficulty staying abreast of environmental regulations. Every landowner or manager's actions are important because they have a significant impact on a particular piece of land. These decisions affect neighboring lands, as well as the larger ecosystem and watershed in which they occur.

Since 1935, NRCS has provided technical assistance to landowners and managers to address soil erosion and water quality problems. Section 386 of FAIRA expands current technical assistance authorities to include:

- Using and improving energy-efficient ways to produce food and fiber;
- Improving the dependability and consistency in water supplies;
- Improving and conserving fish habitat and aquatic systems;
- Protecting and improving water quality;
- Conserving and improving habitat for wildlife;
- Sustaining forage and grazing plants;
- Using plants to sequester greenhouse gases;
- Enhancing recreational activities;
- Maintaining or reducing weed, noxious weed, and brush encroachment;
- Enhancing long-term economic opportunities;
- Providing opportunities for improved nutrient management from the land application of animal manure and other by-product nutrient sources;
- Improving the quality of animals produced on these lands; and
- Producing food and fiber from lands that will not support cultivated crop production.

Technical assistance in the past has provided assistance for these authorities when the primary purpose was addressing soil and water conservation issues. With this rule, technical assistance will be provided to individuals when soil and water conservation issues may not be the primary resource concern, but are of secondary importance. However, in applying this authority, conservation technical assistance is available for wildlife habitat improvement, animal health improvement, forage quality improvement, air quality improvement, and addressing other natural resource issues beyond soil and water conservation. Congress authorized assistance for these additional purposes, realizing there are competing demands on private land grazing resources. These lands can be enhanced by offering technical assistance to individuals, which will provide benefits to all citizens of the United States.

There are approximately 280 million acres of rangeland and 75 million acres of pastureland in need of conservation treatment. An estimated 17 percent of all of these acres have soil-related and water-related resource concerns that could be addressed by NRCS' existing technical assistance program. This leaves 83 percent or 295 million acres in need of conservation treatment not directly related to soil and water conservation.

What happens on the land remains critical to the U.S. economic and environmental well-being, even for those who never set foot on grazing land. Grazing land produces much of our food and water supplies, and provides wildlife habitat that allows many recreational opportunities. There are many types of products derived from animals that are raised on grazing lands: Household products including furniture, clothes, soap, insulation, deodorants, and paints; pharmaceutical products including blood plasma and medical sutures; and manufacturing products including hydraulic fluid, airplane lubricants, machine oils, car polish, and textiles.

Current Technical Assistance Furnished

NRCS provides technical assistance to land users and others who are responsible for making decisions related to land use, conservation treatment, and resource management. Technical assistance, furnished by NRCS, consists of conservation program delivery through resource planning, and the evaluation and application of conservation practices, including assistance in the technical phases of administering USDA cost-share programs.

NRCS works with the local conservation district to prioritize a request to ensure that technical assistance is provided in a fair and equitable manner.

Planning assistance includes the evaluation and inventory of soil, water, animal, plant, air, and other resource information needed to make land use, environmental, and conservation treatment decisions. NRCS assists land users in developing conservation plans for farms, ranches, and other land units. The land user's decisions are recorded in the plan, and based on their conservation objectives. These plans document an orderly installation of conservation practices that ultimately make up a conservation system.

Application assistance is provided to help land users apply and maintain planned conservation practices. NRCS assistance for applying the conservation practices and systems may include:

- Design, layout, and evaluation of conservation practices;
- Development of management alternatives and cultural practices needed to establish and maintain vegetation; and
- Planning, construction, and maintenance of other conservation practices needed to protect and enhance natural resources.

NRCS may provide additional assistance to:

- Maintain and improve private grazing land resources that provide multiple benefits. For example, a grazing management plan not only benefits domestic livestock, but it may also benefit wildlife. A grazing management plan prevents overgrazing, maintains the vigor and diversity of the plant community, discourages invasion of weeds, prevents erosion, and protects streambanks and water quality;
- Ensure the long-term sustainability of private grazing land resources. The cyclical economic patterns in the grazing industry affect how intensively grazing land resources are used. The Nutrition Balance Analyzer is a model used to help managers make effective decisions about nutrition management of their livestock. A manager saves an estimated $10-$32 per animal per year by improving the production efficiency from use of this technology;
- Implement new grazing land management technologies. Technologies impacting grazing land, as in other industries, are always changing. Technical assistance provided to an individual helps with identifying and implementing new technologies to improve the environmental, economic, and/or social challenges of the private landowners or managers. These new and improved technologies may include new fencing materials, livestock

watering facilities, chemicals to control invasive weeds, livestock health products, grazing management practices, fertilizer technologies, geographic information systems, and other computerized decision support systems;

• Manage resources on private grazing land through conservation planning, including, but not limited to; grazing management, nutrient management, soil quality, and weed and invasive species control. Technical assistance helps the producer adjust management decisions, as new information becomes available;

• Maintain and improve water quality and quantity, aquatic and wildlife habitat, recreational opportunities, and aesthetics on private grazing land;

• Harvest, process, and market private grazing land resources. Technical assistance may be provided to help an individual identify opportunities to develop specialty meats, leather, feathers, wool, and mohair products, or other products that are nontraditional; and

• Identify opportunities to diversify private grazing land enterprises. Many operations have an opportunity to diversify their operation with technical assistance by establishing recreational opportunities that include hunting, fishing, kayaking, canoeing, hiking, biking, picnicking, camping, bird watching, nature photography, or farm and ranch vacations as additional enterprises.

The resources, goals, and objectives vary with each individual. Technical assistance helps landowners understand the land and the tools available to manage their land. Conservation solutions that are developed and implemented are based upon the specific resources and needs of an individual as a result of technical assistance.

Private grazing land owners and managers use technical assistance for planning and implementing resource conservation plans on grazing land. The objectives of planning grazing lands are to assist landowners and managers to understand the basic ecological principles of plant/herbivore interaction, management implications to their land (soil, water, air, plants, and animals) and develop a plan that meets the needs of the resources and owners/managers management objectives.

Conservation plans for grazing land include decisions for managing the plant community to conserve or enhance the soil, water, air, plant, and animal resources. The major objective for grazing land is to design and establish a grazing management plan. When combining the appropriate conservation practices, the plan sustains the resources to meet landowners' or managers' objectives. Landowners and managers make decisions to implement the necessary conservation practices.

The economic benefits vary between every individual operation. The net financial benefits of increased forage production will vary among producers, depending upon the cost and benefits of implementing grazing land practices. Costs vary from a few dollars to several hundred dollars per acre, depending on the individual situation. If minor adjustments are needed, the cost for the adjustments may be inexpensive. However, if major changes are needed (such as brush control, fence installation, fertilizer, and watering facilities), the costs may be significantly higher. Furthermore, the results will vary due to the climatic differences and other resource differences between grazing land operations. Gaining benefits from proper management may take a few months to several years.

The agency believes that providing voluntary technical assistance to private grazing landowners and operators will also result in public benefits. These benefits include an overall improved quality of life from reduced soil erosion and sedimentation, improved water quality, increased wildlife habitat, and other resource improvements. The benefits provide economic stability to many communities, and keep the Nation's grazing land productive.

Discussion of Public Comments

In general, many of the respondents expressed appreciation for the opportunity to comment on the proposed rule. There were a total of 10 respondents to the proposed rule (individuals from Federal agencies, universities, and other organizations). The comments centered on four issues: (1) Educational role of NRCS; (2) partnership between NRCS, Cooperative State Research, Education, and Extension Service (CSREES), and others; (3) funding; and (4) other agency programs and activities.

Comment: Five comments expressed concern that NRCS is duplicating the educational activities provided by CSREES.

Response: NRCS provides technical assistance on a one-on-one basis to landowners and managers to address natural resource issues. It is this process of transferring technology to the producer that we provide assistance, and is not the same type of ''education'' provided by the Cooperative Extension System.

Comment: Eight comments suggested that a partnership between NRCS, CSREES, and others needs to be initiated or improved to meet the training and educational requirements necessary to address many of the natural resource issues facing grazing land.

Response: NRCS values relationships with other Federal, State, local resource agencies, and others with which common objectives are shared, although their missions may differ. NRCS partners with many agencies and organizations to enhance and strengthen conservation efforts throughout the country.

There were a few comments received regarding program funding and other agency programs and activities. Although these comments were reviewed and considered, they were not germane to this rule.

Some minor editorial and other changes in the text were suggested; these comments are not included in an analysis, but most were considered.

List of Subjects in 7 CFR Part 610

Soil conservation, Technical assistance, Water resources.

For the reasons stated in the preamble, the Natural Resources Conservation Service amends 7 CFR Part 610 as set forth below:

PART 610—TECHNICAL ASSISTANCE

1. The authority citation for Part 610 continues to read as follows:

Authority: 16 U.S.C. 590a-f, 590–1, 2005b, 3861, 3862.

2. Accordingly, Title 7 of the Code of Federal Regulations is amended by adding a new Subpart D to Part 610 to read as follows:

Subpart D—Conservation of Private Grazing Land

Sec.
610.31 Purpose and scope.
610.32 Technical assistance furnished.

Subpart D—Conservation of Private Grazing Land

§ 610.31 Purpose and scope.

(a) This subpart sets forth the policies for the Conservation of Private Grazing Land (CPGL) Program, as authorized by Section 386 of the Federal Agriculture Improvement and Reform Act of 1996, (Pub. L. 104–127, April 4, 1996) 16 U.S.C. 2005b. Under the CPGL Program, NRCS will provide technical assistance to landowners and managers who request assistance based on locally-established priorities and resource concerns. The purpose of the CPGL Program is to provide technical assistance to private grazing land

owners and managers to voluntarily conserve or enhance grazing land resources to meet ecological, economic, and social demands.

(b) The term ''private grazing land'' means private, State-owned, tribally owned, and any other non-federally owned rangeland, pastureland, grazed forestland, hayland, and other lands used for grazing.

(c) The NRCS Chief may implement the CPGL Program in any of the 50 States, the District of Columbia, Commonwealth of Puerto Rico, Guam, the U.S. Virgin Islands, and American Samoa. NRCS will provide assistance in cooperation with conservation districts, or directly to a landowner or operator.

§ 610.32 Technical assistance furnished.

(a) Provide technical assistance to grazing-land owners and managers to plan and implement resource conservation on grazing land. The objective of planning on grazing land is to assist landowners and managers in understanding the basic ecological principles associated with managing their land. This objective can be met by implementing a plan that meets the needs of the resources (soil, water, air, plants, and animals) and management objectives of the owner or manager. NRCS may provide assistance, at the request of the private grazing-land owner or manager to:

(1) Maintain and improve private grazing land resources that provide multiple benefits;

(2) Ensure the long-term sustainability of private grazing land resources;

(3) Implement new grazing land management technologies;

(4) Manage resources on private grazing land through conservation planning, including, but not limited to; grazing management, nutrient management, and weed and invasive species control;

(5) Maintain and improve water quality and quantity, aquatic and wildlife habitat, recreational opportunities, and aesthetics on private grazing land;

(6) Harvest, process, and market private grazing land resources; and

(7) Identify opportunities to diversify private grazing land enterprises.

(b) Refer to 7 CFR 610.4 on other items relating to technical assistance.

(c) To receive technical assistance, a landowner or manager may contact NRCS or the local conservation district to seek assistance to solve identified natural resource problems or opportunities. Participation in this program is voluntary.

Signed in Washington, DC, on October 31, 2002.

Bruce I. Knight,

Chief, Natural Resources Conservation Service.

[FR Doc. 02–28691 Filed 11–8–02; 8:45 am]

BILLING CODE 3410–16–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 108

RIN 3245–AE91

New Markets Venture Capital Program

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The U.S. Small Business Administration (''SBA'') makes several amendments to the regulations for the New Markets Venture Capital (''NMVC'') program. The majority of the amendments make technical changes to the regulations, to correct typographical errors or to clarify language. SBA also makes five substantive amendments to the regulations, which SBA believes will result in more efficient and effective delivery of NMVC program benefits to the targeted geographic areas. Generally, the five changes will:

Allow a New Markets Venture Capital company (''NMVC company'') to include in its regulatory capital SBA-approved organizational and management expenses paid on behalf of the NMVC company before the company is finally approved;

Allow SBA, in selecting recipients for NMVC program assistance, to compare grant applications from specialized small business investment companies (''SSBICs'') with NMVC company applications from the same or proximate low-income geographic areas (''LI areas'');

Create rules governing fees an NMVC company or its associates may charge for management services provided to small businesses in which the NMVC company invests;

Revise the grant application process for SSBICs so as to make it more parallel with the application process for NMVC companies; and

Add a requirement that NMVC companies must use at least 80 percent of their grant funds (both funds from SBA and grant matching resources) to provide operational assistance to smaller enterprises located in an LI area at the time the operational assistance commenced.

DATES: This rule is effective on December 12, 2002.

FOR FURTHER INFORMATION CONTACT: Austin J. Belton, Director of New Markets Venture Capital, (202) 205–7027.

SUPPLEMENTARY INFORMATION:

I. Background

The New Markets Venture Capital Program Act of 2000 (''the Act'') was created by the Consolidated Appropriations Act of 2001, Public Law 106–554, enacted December 21, 2000. SBA published in the **Federal Register** a final rule implementing the Act on May 23, 2001 (66 FR 28602) and a technical correction on June 19, 2001 (66 FR 32894).

On May 20, 2002, SBA published in the **Federal Register** a proposed rule making amendments to the regulations implementing the Act (67 FR 35449). SBA received one comment on the proposed rule, which SBA discusses in the following section-by-section analysis. With the exception of a minor clarifying change to the lead-in phrase in section 108.2005(d), SBA has made no changes to the text of the amendments to the regulations as published in the proposed rule.

SBA has conducted a first application round for the NMVC program, and has selected seven companies as conditionally approved NMVC companies. The amendments in this rule would apply to those seven companies as well as to applicants for the NMVC program in future application round(s) and to entities SBA selects for participation in the NMVC program as a result of any future application round(s).

II. Section-by-Section Analysis

SBA amends three of the definitions in § 108.50. The definitions of ''New Markets Venture Capital Company'' and ''Participation Agreement'' are amended to correct typographical errors.

The definition of ''Regulatory Capital'' is amended to simplify it by consolidating into § 108.230, which addresses private capital, all the current restrictions on what may be included in regulatory capital. The definition states that regulatory capital is private capital, excluding any portion of private capital that the NMVC company designates as grant matching resources.

SBA amends paragraphs (b), (c), and (d) of § 108.230. In paragraph (b), SBA makes a technical change. The word ''contributed'' is changed to read ''paid-in,'' to indicate more clearly that only capital contributions actually made are considered ''contributed capital'' for purposes of § 108.230.

SBA amends paragraph (c) by adding a new subparagraph (5) to move to this section language concerning

questionable commitments that currently is in the definition of regulatory capital in § 108.50. This is a non-substantive change.

SBA revises paragraph (d) to allow NMVC companies to include in private capital SBA-approved organizational and management expenses paid on behalf of an NMVC company prior to SBA's final approval of the NMVC company. SBA intends to provide guidance on the limitations by percentage and/or dollar amounts on such expenses that SBA will approve for inclusion in private capital. Other non-cash assets, such as ''pre-licensing investments,'' would continue to not be allowed for inclusion in private capital. SBA previously determined that such other non-cash assets would not be acceptable for inclusion in regulatory capital. (See discussion on this subject in the preamble to the proposed rule implementing the Act, 66 FR 20536, April 23, 2001, and the preamble to the final rule implementing the Act, 66 FR 28603, May 23, 2001.)

SBA makes technical changes to § 108.310 to more clearly articulate what an NMVC company applicant must state in its application regarding the amounts of regulatory capital and grant matching resources it proposes to raise. The amendment requires an applicant to state specific amounts of regulatory capital and grant matching resources, both of which must comply with the statutory minimums established by the Act. SBA also makes a minor technical change to § 108.320.

SBA amends § 108.360(k) to allow SBA, when making selections as to which applicants will receive conditional approval, to compare the applications submitted by NMVC company applicants to the applications submitted by SSBICs that intend to invest in the same or proximate LI areas. This change will allow SBA to more effectively utilize limited NMVC program appropriations. This change also will increase the potential for achieving the nationwide distribution of the NMVC program's benefits that the Act directs.

SBA makes three technical changes to § 108.380. As amended, subsections (a)(1)(i)(A) and (a)(1)(i)(B) more clearly state that the amounts of regulatory capital and grant match that applicants must raise before they can be finally approved are the exact same amounts that they said they would raise in their applications. SBA amends subsection (b)(3) to correct a typographical error.

SBA adds new § 108.900, based in part on § 107.900 for the small business investment company (SBIC) program, governing fees for management services and similar services (for example, negotiating bank debt, sale of the company, or a lease, or structuring an employee stock ownership plan) charged by an NMVC company or its associates to small businesses that the NMVC company finances. The regulation requires SBA's prior written approval of all such fees charged. The regulation states that it does not apply to operational assistance that an NMVC company or its associate provides to a business that the NMVC company has financed or in which it expects to make a financing, and that the NMVC company may not charge the business a fee for such operational assistance. SBA expects an NMVC company to use its grant funds (both SBA funds and grant matching resources) to cover the costs of providing such operational assistance.

This regulation also requires that at least 50 percent of all such fees paid to an associate (as defined in 13 CFR 108.50) of an NMVC company by a small business must be allocated back to the NMVC company for its benefit. SBA understands that an NMVC company or its associate (for example, its management company) may want to provide management and other services to the NMVC company's portfolio companies and charge a fee for such services. It may be in the best interests of the small business that the NMVC company or its associate provide such services rather than an outside third party. However, SBA believes that the NMVC company's manager should share equally with the NMVC company the financial benefit (*i.e.*, fees) of providing those services, since that relationship (of the manager to the NMVC company) is what brought about the opportunity for the manager to obtain that financial benefit. In addition, SBA believes that neither the NMVC company itself nor the NMVC program in general is well served if the focus of the NMVC company's manager is on fee generation rather than managing the NMVC company. SBA believes that a 50–50 allocation of such fees between the NMVC company manager and the NMVC company itself strikes an appropriate balance between these objectives and reflects what knowledgeable private investors often require in commercial equity venture capital funds.

The commenter disagreed with the approach SBA takes in this section 108.900. The commenter stated that a prior approval requirement would place an excessive burden on the NMVC company's management of small businesses in which it invests and that the 50–50 allocation of the fees would not appreciably change the economics or incentives of the NMVC program. The commenter suggests that NMVC companies are likely to want to charge their portfolio companies two types of management services fees, (1) regular fees of up to $2,000 per quarter per portfolio company, to be paid to the managers of the NMVC company for managing the portfolio company, and (2) more substantial fees that will arise ''in the ordinary course of business.'' SBA notes that while the commenter characterizes the amount of the first type of fee as ''modest,'' an NMVC company could earn up to $80,000 per year from such fees, if one assumes the company has 10 portfolio companies paying $2,000 per quarter. This would allow the NMVC company to receive more than a third again as much as the typical annual management fee earned by an NMVC company (assuming it is a $5 million regulatory capital fund).

The first type of fee presumes that the manager of an NMVC company also will be managing the day-to-day operations of the companies in which an NMVC company invests. SBA does not believe that this would be an appropriate role for an NMVC company's managers to play in most cases. First of all, the fact that such managers have the expertise to manage a venture capital fund does not mean that such managers have the necessary skills and ability to manage an operating business concern. In any event, the appropriate role of an NMVC company's managers is to actively oversee the affairs of the portfolio concerns, which implies a degree of counseling and advising as a board member or otherwise, usually delivered in the form of a close, informal working relationship. Those activities usually are compensated by an NMVC company's annual management fee and any profit participation received from its investment in the business. In addition, an NMVC company has the opportunity to provide management expertise, at no cost to the business or to the NMVC company's investors, through the expenditure of operational assistance grant resources. For these reasons, SBA believes that the first type of fees will require scrutiny and, therefore, it is critical that SBA have the opportunity to review in advance any such fees that an NMVC company proposes to charge.

The commenter characterizes the second type of fee as for management services that are occasional and opportunistic, and states that requiring SBA's advance approval might result in an NMVC company losing significant opportunities to provide such services and earn such fees. SBA intends to require NMVC companies to complete one form (SBA Form 2217) requesting

prior approval of such fees, which SBA does not believe constitutes ''extensive reporting.'' SBA believes that it will be sensitive to any time constraints on a potential deal or on an NMVC company, and be able to provide a timely response to such requests.

SBA removes § 108.2000 and replaces it with several smaller, more easily readable sections, §§ 108.2000–108.2007. Section 108.2000 (currently § 108.2000(a)) provides a more comprehensive list of the regulations applicable to operational assistance grants to NMVC companies and to SSBICs. Section 108.2001 (currently § 108.2000(b)(1) and (b)(3)(i)) is unchanged in content.

Section 108.2002 (currently § 108.2000(b)(2)) includes several technical corrections. First, the term ''Developmental Venture Capital Investments'' is replaced with ''Low-Income Investments'' in new subsections (a) and (c). The term ''Low-Income Investments'' already is defined in § 108.50, and more accurately reflects the statutory requirement that an SSBIC must use all of its new capital raised for the NMVC program, to make equity capital investments in smaller enterprises located in LI areas. Second, the phrase ''after December 21, 2000'' is added to the end of new subsection (c), to incorporate the NMVC program statutory effective date and make more clear that an SSBIC may use operational assistance grant funds only in connection with investments it makes after such date.

Section 108.2003 (currently § 108.2000(b)(3)(ii)) is unchanged in content. Section 108.2004 (currently § 108.2000(b)(4)(i) and (ii)) makes technical changes to more clearly articulate what an SSBIC must state in its application regarding the amounts of regulatory capital and grant matching resources it proposes to raise. The regulation requires that an SSBIC state specific amounts of regulatory capital and grant matching resources, and that the amount of grant matching resources comply with the statutory minimum established by the Act.

Section 108.2005 (currently § 108.2000(b)(4)(ii)(A) through (G)) replaces the term ''Developmental Venture Capital Investments'' with ''Low-Income Investments'' in new subsections (a), (c), (d) and (f), for the reasons described above. Subsections (a) and (d) adds new requirements that an SSBIC identify specific LI areas in which it intends to make investments and provide operational assistance, and specify how much of its investments it will make in each of the specified LI areas. These requirements parallel the information required from NMVC company applicants, and will allow SBA to better determine the potential impact on specific LI areas, when making selections as to recipients of NMVC program benefits.

Section 108.2006 (currently § 108.2000(b)(5)) would replace the term ''Developmental Venture Capital Investments'' with ''Low-Income Investments'' in new subsection (d), for the reasons described above. The regulation also allows SBA to add an interview component to its selection process, paralleling SBA's current authority to require an interview with NMVC company applicants (see 13 CFR 108.340). SBA is considering interviewing applicants in future application rounds. New subsection (h), as amended, allows SBA, when making selections as to which SSBICs conditionally will receive an operational assistance grant, to compare the applications submitted by SSBICs to the applications submitted by NMVC company applicants that intend to invest in the same or proximate LI areas. This change allows SBA to more effectively utilize limited NMVC program appropriations. This change also increases the potential for achieving the nationwide distribution of the NMVC program's benefits contemplated by the Act.

Section 108.2007 (currently § 108.2000(b)(6)) is unchanged in content.

Section 108.2010 adds a new paragraph (b) (and redesignates paragraph (b) as paragraph (c)) requiring that an NMVC company must use at least 80 percent of its grant funds (both funds from SBA and grant matching resources) to provide operational assistance to smaller enterprises whose principal office is located in an LI area at the time the operational assistance commences.

The Act explicitly requires that all operational assistance funded by the NMVC program go only to smaller enterprises. The regulation imposes an additional requirement that a specific percentage, 80 percent, of such operational assistance provided by NMVC companies go to businesses located in LI areas. This requirement serves to maximize the impact of the operational assistance funded by SBA on the LI areas targeted for assistance through the NMVC program. This 80 percent requirement also parallels the existing regulatory requirement (see 13 CFR 108.710(a)) that NMVC companies must use at least 80 percent of its capital (both funds from SBA and private capital) to make equity capital investments in smaller enterprises located in an LI area at the time the investment is made.

The commenter recommended that SBA determine whether the operational assistance provided by an NMVC company falls within the 80 percent basket of assistance to smaller enterprises located in LI areas or the 20 percent basket of assistance to businesses outside those areas, based on the ultimate location of the business, not its location when the assistance commenced. In other words, consider OA provided by a NMVC company to a business not located in an LI area to fall within the 80 percent basket as long as the business moved into the LI area ''within a reasonable period of time'' after the start of the assistance.

SBA declines to implement this suggestion. As in the context of 13 CFR 108.710(a) concerning the required percentage of capital that must be invested in businesses located in LI areas, SBA intends that NMVC companies will determine the status of the business's location at the time the operational assistance commences, not at some later date. SBA intends that NMVC companies make an assessment of the business at the time operational assistance commences (or at the time of its initial financing to the business, in the case of financial assistance) and determine whether its principal office is located in an LI area at that moment in time. The assessment of the business is set at that point in time, and becomes the basis to determine whether the NMVC company may count the assistance given to that business toward the 80 percent requirement. SBA considered and rejected alternative approaches when it developed the requirements in 13 CFR 108.710. SBA believes that this ''snapshot'' approach is the most efficient and workable means of tracking both investments and operational assistance, as well as achieving the statutory mission of directing the majority of the program's resources to smaller enterprises located in LI areas. SBA believes that an NMVC company will have some flexibility in the way it structures its financial and operational assistance. For example, an NMVC company might provide a small amount of operational assistance to a business located outside an LI area (which would fall within the 20 percent basket of assistance) and advise the business that more assistance will be forthcoming once the business relocates into an LI area.

SBA revises redesignated paragraph (c) to correct the title of the part of the Federal Acquisition Regulations containing the definition of G&A expense.

Technical amendments are made to §§ 108.2020(b), 108.2030(c)(2)(iii), 108.2030(c)(2)(iv), 108.2030(d)(2), and 108.2040(a) to correct cross-references to other sections in this part and to clarify requirements. The changes to § 108.2030(c) allow grant matching resources to be payable over a multiyear period not to exceed the term of the grant from SBA, and in no event more than 10 years. This change provides support for SBA to allow an applicant to request a specific grant term within a range acceptable to SBA and as long as it did not exceed the 10 year limit set forth in the Act, rather than having SBA establish one allowable grant term for all applicants. This gives each NMVC company and selected SSBIC greater flexibility to determine how best to use operational assistance funds from SBA to accomplish its mission. This change is made possible by a change in the law governing SBA's appropriation for the NMVC program. On July 24, 2001, Congress passed a supplemental appropriations bill (Pub. L. 107–20) that extended the availability of the funds appropriated to SBA for the NMVC program.

III. Regulatory Compliance Section—Compliance With Executive Orders 12866, 12988, and 13132; With the Paperwork Reduction Act (44 U.S.C. Ch. 35); and With the Regulatory Flexibility Act (5 U.S.C. 601–612)

Compliance With Executive Order 12866

The Office of Management and Budget (OMB) has determined that this rule is a ''significant regulatory action'' under Executive Order 12866. A regulatory assessment of the potential costs and benefits of the regulatory action follows. Because this is a new program and only one NMVC Company is operational as yet, SBA does not have relevant data to estimate actual dollar values for these amendments.

The NMVC program is an equity venture capital program designed to promote the economic development of, and address the unmet equity capital needs of smaller enterprises located in, LI areas. The program has a one-time no-year appropriation of $52 million to fund newly formed NMVC companies. To date, SBA has selected seven applicants as conditionally approved NMVC companies, and has finally approved one of those conditionally approved NMVC companies as an NMVC company. SBA anticipates a second application round, and the amendments concerning the application process will affect applicants in the second round. The amendments that concern participation in the program apply to all NMVC companies selected through both application rounds and SSBICs applying under the second application round.

This rule makes several amendments to the existing regulations implementing the program. Most of the amendments are technical changes that have no impact on the costs associated with the program to the Government or to the program beneficiaries. After SBA's first year of experience in creating and administering this new program, SBA also makes a few substantive changes which SBA believes will result in more efficient and effective delivery of NMVC program benefits to the targeted LI areas and businesses. SBA believes that these changes will result in reduced operational costs for the program to both the government, the NMVC companies, and to the beneficiary small businesses financed by the NMVC companies with SBA leverage.

The most significant change SBA makes is to add a requirement that NMVC companies must use at least 80 percent of the SBA grant funds (and the required match funding from non-SBA sources) to assist smaller enterprises whose principal office is in an LI area. This is consistent with the existing requirement on the use of an NMVC company's capital. This change ensures that the primary impact of the grant will be on the LI areas targeted by the NMVC program. It also will have the effect of enabling smaller enterprises in LI areas to qualify for equity investment, or otherwise assisting such enterprises to grow at no cost to such businesses.

SBA's experience over the past year indicates that some NMVC companies may charge management services fees to smaller enterprises in connection with investments made by the NMVC company, but SBA's existing regulations are silent in this area. SBA believes that adding a regulation governing such fees will give SBA the necessary tools to ensure that smaller enterprises are not being charged too much for such services and that an NMVC company's management is not motivated solely by fee generation. SBA adds section 108.900 which places limits on such fees, requires SBA's advance approval, and requires that at least 50 percent of any fees charged by the fund manager be for the benefit of the NMVC company.

SBA also makes several changes to clarify the application requirements for SSBICs to participate in the NMVC program and to do so on a parallel basis as NMVC companies. For example, one change requires SSBICs to identify specific LI areas they intend to target, thereby allowing comparison with any NMVC applicant for the same LI area and avoiding duplicative coverage of a LI area. The overall results of these changes are to ensure even-handed treatment of SSBICs and NMVC companies, maximize the nationwide impact of the NMVC program, and achieve greater administrative efficiency in program administration.

SBA also clarifies that SBA will permit SBA-approved organizational and management expenses incurred prior to SBA's final approval of the NMVC company to be credited in whole or part against the regulatory capital the NMVC company is required to raise. This credit is in lieu of an NMVC company being required to pay out cash at its outset for the same pre-approved costs. This change will improve the efficiency of an NMVC company's operations and prevent unnecessary paperwork on the part of the NMVC company, which will streamline the program. This change also will bring the NMVC program in line with the SBIC program and with best practices of the private venture fund industry in this area.

In sum, the changes will result in more NMVC program funds going to smaller enterprises in LI areas, in line with the legislative intent, and greater cost-effectiveness and efficiency in SBA's administration of the NMVC program to execute the congressional mandate.

Compliance with Executive Order 12988

For purposes of Executive Order 12988, SBA has determined that this rule is drafted, to the extent practicable, in accordance with the standards set forth in section 3 of that order.

Compliance With Executive Order 13132

For purposes of Executive Order 13132, SBA has determined that this rule has no federalism implications because the legislation authorizing it addresses private, for-profit concerns (NMVC companies) working directly with entrepreneurs. The regulation 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. Therefore, under Executive Order 13132, SBA determines that this rule does not have sufficient federalism implications warranting the preparation of a Federalism Assessment.

Compliance With Paperwork Reduction Act, 44 U.S.C. Ch. 35

SBA has determined that this rule imposes new information collection

requirements that require approval by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501–3520. The rule includes two new collections of information: (1) A request for prior SBA approval of management services fees and other fees and (2) concerning the application process for SSBICs, an additional component to the plan for use of the operational assistance grant, and an interview component. These information collections were described in more detail in the preamble to the proposed rule SBA published in the **Federal Register** on May 20, 2002 (67 FR 35449).

SBA already has provided the public with a 60-day comment period on this collection (67 FR 35449). SBA received no comments on the collection. On July 29, 2002, OMB approved, without change, the collection under OMB number 3245–0338.

You may request a copy of the collections by calling Louis Cupp at (202) 619–0511 or writing to him at Office of New Markets Venture Capital, Investment Division, U.S. Small Business Administration, 409 Third Street, SW., 6th Floor, Washington, DC 20416.

Compliance With the Regulatory Flexibility Act, 5 U.S.C. 601–602

Under the Regulatory Flexibility Act (RFA), SBA has determined that this rule does not have a significant economic impact on a substantial number of small entities, within the meaning of the RFA, for the following reasons.

The NMVC program is expected to result in the creation of fewer than 20 NMVC companies. The program's impact will be felt to a greater extent on the small businesses that the NMVC companies invest in and assist through this program. The Act authorizes $150 million to guarantee debentures to NMVC companies, which will result in a discounted amount of approximately $100 million with which NMVC companies can make investments, and $30 million for operational assistance grants to NMVC companies and SSBICs. In addition, NMVC companies must raise capital totaling $100 million, and NMVC companies and SSBICs must raise grant matching resources totaling $30 million. Thus, the total net funding for the NMVC program, including matching funds raised by NMVC companies and SSBICs, is $260 million. Based upon industry practices, it is likely that the funds will be disbursed over a five to seven year period. A NMVC company's minimum life is 10 years and NMVC companies' investments are typically made during their first five to seven years of existence. Generally, a NMVC company will fund three or at most four businesses in one year out of the 20 to 30 businesses it will fund over its life. Therefore, NMVC program funds will flow out to businesses at a rate of approximately $50 million per year.

The average size of an investment by a community development company is approximately $300,000. Based upon total funding of $260 million and an average investment in a small business of $300,000, approximately 867 small businesses will be affected by this program during the lives of the NMVC companies authorized by the Act. SBA estimates that there are approximately 22.4 million small businesses in the United States and 867 constitutes less than 1/10 percent of those businesses.

Further, NMVC companies must invest in ''smaller enterprises'' which are defined as businesses with a net worth not greater than $6 million and average net income of not greater than $2 million. Based upon an average investment of $300,000, an investment in a business with a net worth of $6 million would equate to 5 percent of the business's net worth. Additionally, industry practices indicate that while the average investment in a particular business is $300,000, this amount may not be disbursed all at once. The average investment per round in the industry is approximately $185,000, which is only 3 percent of the business's net worth.

List of Subjects in 13 CFR Part 108

Community development, Government securities, Grant programs—business, Securities, Small businesses.

For the reasons stated in the preamble, the Small Business Administration amends 13 CFR part 108 as follows.

PART 108—NEW MARKETS VENTURE CAPITAL PROGRAM

1. The authority citation for part 108 continues to read as follows:

Authority: 15 U.S.C. 689—689q.

2. Amend § 108.50 by:

a. Revising the citation in paragraph (1) of the definition of *New Markets Venture Capital Company* or *NMVC Company* from ''§ 108.390'' to ''§ 108.380'';

b. Revising the citation in the first sentence of the definition of *Participation Agreement* from ''§ 108.390'' to ''§ 108.380''; and

c. Revising the definition of *Regulatory Capital;* to read as follows:

§ 108.50 Definition of terms.

* * * * *

Regulatory Capital means Private Capital, excluding any portion of Private Capital that is designated as matching resources in accordance with § 108.2030(b)(3).

* * * * *

3. Amend § 108.230 by:

a. Revising paragraph (b);

b. Adding paragraph (c)(5); and

c. Revising paragraph (d); to read as follows:

§ 108.230 Private Capital for NMVC Companies.

* * * * *

(b) *Contributed capital.* For purposes of this section, contributed capital means the paid-in capital and paid-in surplus of a Corporate NMVC Company, the members' paid-in capital of a LLC NMVC Company, or the partners' paid-in capital of a Partnership NMVC Company, in each case subject to the limitations in paragraph (c) of this section.

(c) * * *

(5) A commitment from an investor if SBA determines that the collectability of the commitment is questionable.

(d) *Limitations on including non-cash capital contributions in Private Capital.* Private Capital does not include capital contributions in a form other than cash, except as provided in this paragraph (d). Subject to SBA's prior approval, Private Capital may include payments made on behalf of an Applicant or Conditionally Approved NMVC Company before the Applicant or Conditionally Approved NMVC Company becomes a NMVC Company for organizational expenses and Management Expenses incurred by the Applicant or the Conditionally Approved NMVC Company prior to its becoming a NMVC Company.

* * * * *

4. Revise § 108.310(a) to read as follows:

§ 108.310 Contents of application.

* * * * *

(a) *Amounts.* The Applicant must indicate—

(1) The specific amount of Regulatory Capital it proposes to raise (which amount must be at least $5,000,000); and

(2) The specific amount of binding commitments for contributions in cash or in-kind it proposes to raise, and/or an annuity it proposes to purchase, in accordance with the requirements of § 108.2030, as its matching resources for its Operational Assistance grant award (the aggregate of which must be not less than $1,500,000 or 30 percent of the

Regulatory Capital it proposes to raise under paragraph (a)(1) of this section, whichever is greater).

* * * * *

5. Revise the second sentence of § 108.320(g) to read as follows:

§ 108.320 Contents of comprehensive business plan.

* * * * *

(g) * * * If it proposes to obtain commitments for cash and in-kind contributions, it also must estimate the ratio of cash to in-kind contributions (in no event may in-kind contributions exceed 50 percent of the total contributions). * * *

* * * * *

6. Revise § 108.360(k) to read as follows:

§ 108.360 Evaluation criteria.

* * * * *

(k) The strength of the Applicant's application compared to applications submitted by other Applicants and by SSBICs intending to invest in the same or proximate LI Areas.

7. Revise § 108.380(a)(1)(i)(A), (a)(1)(i)(B), and the second sentence in (b)(3) to read as follows:

§ 108.380 Final approval as a NMVC Company.

(a) * * *

(1) * * *

(i) * * *

(A) The amount of Regulatory Capital set forth in its application, pursuant to § 108.310(a)(1); and

(B) The amount of matching resources for its Operational Assistance grant award set forth in its application, pursuant to § 108.310(a)(2); and

* * * * *

(b) * * *

(3) * * * Under no circumstances will SBA designate a Conditionally Approved NMVC Company as a NMVC Company if such Conditionally Approved NMVC Company does not raise the required amount of Regulatory Capital within the time period SBA gave it to do so.

8. Add an undesignated centerhead and a new § 108.900 to read as follows:

Management Services and Fees

§ 108.900 Fees for management services provided to a Small Business by a NMVC Company or its Associate.

(a) *General.* This section applies to management services that you or your Associate provide to a Small Business during the term of a Financing or prior to a Financing. It does not apply to management services that your Associate provides to a Small Business that you do not finance. It also does not apply to Operational Assistance that you or your Associate provide to a Smaller Enterprise that you have Financed or in which you expect to make a Financing, for which neither you nor your Associate may charge the Smaller Enterprise.

(b) *SBA approval.* You must obtain SBA's prior written approval of any management services fees and other fees described in this section that you or your Associate charge.

(c) *Permitted management services fees.* You or your Associate may provide management services to a Small Business financed by you if:

(1) You or your Associate have entered into a written contract with the Small Business;

(2) The fees charged are for services actually performed;

(3) Services are provided on an hourly fee, project fee, or other reasonable basis;

(4) You can demonstrate to SBA, upon request, that the rate does not exceed the prevailing rate charged for comparable services by other organizations in the geographic area of the Small Business; and

(5) At least 50 percent of any management services fees paid to your Associate by a Small Business for management services provided by the Associate is allocated back to you for your benefit.

(d) *Fees for service as a board member.* You or your Associate may charge a Small Business Financed by you for services provided as members of the Small Business' board of directors. The fees must not exceed those paid to other outside board members. In the absence of such board members, fees must be reasonable when compared with amounts paid to outside directors of similar companies. Fees may be in the form of cash, warrants, or other payments. At least 50 percent of any such fees paid to your Associate by a Small Business for service by the Associate as a board member must be allocated back to you for your benefit.

(e) *Transaction fees.* (1) You or your Associate may charge reasonable transaction fees for work performed such as preparing a Small Business for a public offering, private offering, or sale of all or part of the business, and for assisting with the transaction. Fees may be in the form of cash, notes, stock, and/or options. At least 50 percent of any such fees paid to your Associate by a Small Business for transactions work done by the Associate must be allocated back to you for your benefit.

(2) Your Associate may charge market rate investment banking fees to a Small Business on that portion of a Financing that you do not provide.

(f) *Recordkeeping requirements.* You must keep a record of hours spent and amounts charged to the Small Business, including expenses charged.

9.–10. Revise § 108.2000 and add §§108.2001 through 108.2007 as follows:

§ 108.2000 Operational Assistance Grants to NMVC Companies and SSBICs.

(a) *NMVC Companies.* Regulations governing Operational Assistance grants to NMVC Companies may be found in subparts D and E of this part 108, and in §§ 108.2010 through 108.2040.

(b) *SSBICs.* Regulations governing Operational Assistance grants to SSBICs may be found in §§ 108.2001 through 108.2040.

§ 108.2001 When and how SSBICs may apply for Operational Assistance grants.

(a) *Notice of Funds Availability (''NOFA'').* SBA will publish a NOFA in the **Federal Register**, advising SSBICs of the availability of funds for Operational Assistance grants to SSBICs. This NOFA will be the same NOFA described in § 108.300(a), or will be published simultaneously with that NOFA. An SSBIC may submit an application for an Operational Assistance grant only during the time period specified for such purpose in the NOFA.

(b) *Application form.* An SSBIC must apply for an Operational Assistance grant using the application packet provided by SBA. Upon receipt of an application, SBA may request clarifying or technical information on the materials submitted as part of the application.

§ 108.2002 Eligibility of SSBICs to apply for Operational Assistance grants.

An SSBIC is eligible to apply for an Operational Assistance grant if:

(a) It intends to increase its Regulatory Capital, as in effect on December 21, 2000, and to make Low-Income Investments in the amount of such increase;

(b) It intends to raise binding commitments for contributions in cash or in-kind, and/or to purchase an annuity, in an amount not less than 30 percent of the intended increase in its Regulatory Capital described in paragraph (a) of this section; and

(c) It has a plan describing how it intends to use the requested grant funds to provide Operational Assistance to Smaller Enterprises in which it has made or expects to make Low-Income Investments after December 21, 2000.

§ 108.2003 Grant issuance fee for SSBICs.

An SSBIC must pay to SBA a grant issuance fee of $5,000. An SSBIC must submit this fee in advance, at the time of application submission. If SBA does not award a grant to the SSBIC, SBA will refund this fee to the SSBIC.

§ 108.2004 Contents of application submitted by SSBICs.

Each application submitted by an SSBIC for an Operational Assistance grant must contain the information specified in the application packet provided by SBA, including the following information:

(a) *Amounts.* An SSBIC must specify the amount of Regulatory Capital it intends to raise after December 21, 2000, and the amount of Operational Assistance grant funds it seeks from SBA, which must be at least 30 percent of its intended increase in its Regulatory Capital since December 21, 2000.

(b) *Plan.* An SSBIC must submit a plan addressing the specific items described in § 108.2005.

§ 108.2005 Contents of plan submitted by SSBICs.

(a) *Plan for providing Operational Assistance.* The SSBIC must describe how it plans to use its grant funds to provide Operational Assistance to Smaller Enterprises in which it will make Low-Income Investments. Its plan must address the types of Operational Assistance it proposes to provide, and how it plans to provide the Operational Assistance through the use of licensed professionals, when necessary, either from its own staff or from outside entities.

(b) *Matching resources for Operational Assistance grant.* The SSBIC must include a detailed description of how it plans to obtain binding commitments for contributions in cash or in-kind, and/or to purchase an annuity, to match the funds requested from SBA for the SSBIC's Operational Assistance grant. If it proposes to obtain commitments for cash and in-kind contributions, it also must estimate the ratio of cash to in-kind contributions (in no event may in-kind contributions exceed 50 percent of the total contributions). The SSBIC must discuss its potential sources of matching resources, the estimated timing on raising such match, and the extent of the expressions of interest to commit such match to the SSBIC.

(c) *Identification of LI Areas.* The SSBIC must identify the specific LI Areas in which it intends to make Low-Income Investments and provide Operational Assistance under the NMVC program.

(d) *Projected allocation of investments among identified LI Areas.* The SSBIC must describe the amount of Low-Income Investments it intends to make in each of the identified LI Areas.

(e) *Track record of management team in obtaining public policy results through investments.* The SSBIC must provide information concerning the past track record of the SSBIC in making investments that have had a demonstrable impact on the socially or economically disadvantaged businesses targeted by the SSBIC program (for example, new businesses created, jobs created, or wealth created). Such information might include case studies or examples of the SSBIC's successful Financings.

(f) *Market analysis.* The SSBIC must provide an analysis of the LI Areas in which it intends to makes its Low-Income Investments and provide its Operational Assistance to Smaller Enterprises, demonstrating that the SSBIC understands the market and the unmet capital needs in such areas and how its activities will meet these unmet capital needs through Low-Income Investments and have a positive economic impact on those areas. The analysis must include a description of the extent of the economic distress in the identified LI Areas. The SSBIC also must analyze the extent of the demand in such areas for Low-Income Investments and any factors or trends that may affect the SSBIC's ability to make effective Low-Income Investments.

(g) *Regulatory Capital.* The SSBIC must include a detailed description of how it plans to raise its Regulatory Capital. The SSBIC must discuss its potential sources of Regulatory Capital, the estimated timing on raising such funds, and the extent of the expressions of interest to commit such funds to the SSBIC.

(h) *Projected impact.* The SSBIC must describe the criteria and economic measurements to be used to evaluate whether and to what extent it has met the objectives of the NMVC program. It must include:

(1) An estimate of the social, economic, and community development benefits to be created within identified LI Areas over the next five years or more as a result of its activities;

(2) A description of the criteria to be used to measure the benefits created as a result of its activities; and

(3) A discussion about the amount of such benefits created that it will consider to constitute successfully meeting the objectives of the NMVC program.

§ 108.2006 Evaluation and selection of SSBICs.

SBA will evaluate and select an SSBIC for an Operational Assistance grant award under the NMVC program solely at SBA's discretion, based on SBA's review of the SSBIC's application materials, interviews or site visits with the SSBIC (if any), and information in SBA's records relating to the SSBIC's regulatory compliance status and track record as an SSBIC. SBA's evaluation and selection process is intended to ensure that SSBIC requests are evaluated on a competitive basis and in a fair and consistent manner. SBA will evaluate and select SSBICs for an Operational Assistance grant award by considering the following criteria:

(a) The strength of the SSBIC's application, including the strength of its proposal to provide Operational Assistance to Smaller Enterprises in which it intends to invest;

(b) The SSBIC's regulatory compliance status and past track record in being able to accomplish program goals through its investment activity;

(c) The likelihood that and the time frame within which the SSBIC will be able to raise the Regulatory Capital it intends to raise and obtain the matching resources described in § 108.2005(b) and (g);

(d) The need for Low-Income Investments in the LI Areas in which the SSBIC intends to invest;

(e) The SSBIC's demonstrated understanding of the markets in the LI Areas in which it intends to invest;

(f) The extent to which the activities proposed by the SSBIC will promote economic development and the creation of wealth and job opportunities in the LI Areas in which it intends to invest and among individuals living in LI Areas;

(g) The likelihood that the SSBIC will fulfill the goals described in its application and meet the objectives of the NMVC program; and

(h) The strength of the SSBIC's application compared to applications submitted by other SSBICs and by Applicants intending to invest in the same or proximate LI Areas.

§ 108.2007 Grant award to SSBICs.

An SSBIC selected for an Operational Assistance grant award will receive a grant award only if, by a date established by SBA, it increases its Regulatory Capital in the specific amount set forth in its application, pursuant to § 108.2004(a), and raises matching resources for the grant in the amount required by § 108.2030(d)(2).

11. Amend § 108.2010 by redesignating paragraph (b) as paragraph

(c), adding a new paragraph (b), and revising redesignated paragraph (c), to read as follows:

§ 108.2010 Restrictions of use of Operational Assistance grant funds.

* * * * *

(b) *Restrictions applicable only to NMVC Companies.* A NMVC Company must use at least 80 percent of both grant funds awarded by SBA and its matching resources to provide Operational Assistance to Smaller Enterprises whose Principal Office at the time the Operational Assistance commences is located in an LI Area.

(c) *Restrictions applicable to NMVC Companies and SSBICs.* A NMVC Company or a SSBIC that receives an Operational Assistance grant must not use either grant funds awarded by SBA or its matching resources for ''general and administrative expense,'' as defined in the Federal Acquisition Regulations, ''Definitions of Words and Terms,'' 48 CFR 2.101.

12. Revise the citation in § 108.2020(b) from ''§§ 108.2000 and 108.2030'' to ''§§ 108.2007 and 108.2030''.

13. Revise § 108.2030(c)(2)(iii), (c)(2)(iv), and (d)(2) to read as follows:

§ 108.2030 Matching requirements.

* * * * *

(c) * * *

(2) * * *

(iii) Binding commitments for cash or in-kind contributions that may be payable over a multiyear period acceptable to SBA (but not to exceed the term of the Operational Assistance grant from SBA and in no event more than 10 years); and/or

(iv) An annuity, purchased with funds other than Regulatory Capital, from an insurance company acceptable to SBA and that may be payable over a multiyear period acceptable to SBA (but not to exceed the term of the Operational Assistance grant from SBA and in no event more than 10 years).

(d) * * *

(2) *SSBICs.* The amount of matching resources required of an SSBIC is equal to the amount of Operational Assistance grant funds requested by the SSBIC, as set forth in its application pursuant to § 108.2004(a).

14. Revise § 108.2040(a) to read as follows:

§ 108.2040 Reporting and recordkeeping requirements.

(a) *NMVC Companies.* Policies governing reporting, record retention, and recordkeeping requirements applicable to NMVC Companies may be found in subpart H of this part. NMVC Companies also must comply with all reporting, record retention, and recordkeeping requirements set forth in Circular A–110 of the Office of Management and Budget (for availability, see 5 CFR 1310.3) and any grant award document executed between SBA and the NMVC Company.

* * * * *

Dated: September 3, 2002.

Hector V. Barreto,

Administrator.

[FR Doc. 02–28204 Filed 11–8–02; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–SW–26–AD; Amendment 39–12942; AD 2002–22–15]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model EC 155B Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) for the specified Eurocopter France (ECF) model helicopters that requires inspecting and adjusting, if necessary, the position of the locking pins on each pilot, co-pilot, and passenger-hinged and sliding door (door) initially and each time a door is replaced. This amendment is prompted by two reports of inadvertent opening of the passenger-hinged doors in flight due to improper adjustment of the door-locking mechanism. The actions specified by this AD are intended to prevent loss of a door in flight, contact with the main rotor or tail rotor, and subsequent loss of helicopter control.

DATES: Effective December 17, 2002.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 17, 2002.

ADDRESSES: The service information referenced in this AD may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460, fax (972) 641–3527. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the *Office of the Federal Register,* 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Richard Monschke, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, Fort Worth, Texas 76193–0110, telephone (817) 222–5116, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: A proposal to amend 14 CFR part 39 to include an AD for ECF Model EC 155B helicopters was published in the **Federal Register** on August 14, 2002 (67 FR 52898). That action proposed to require inspecting and adjusting, if necessary, the position of the locking pins on each pilot, co-pilot, and passenger-hinged and sliding door (door) initially and each time a door is replaced.

The Direction Generale De L'Aviation Civile (DGAC), the airworthiness authority for France, notified the FAA that an unsafe condition may exist on ECF Model EC 155B helicopters. The DGAC advises of two reports of the passenger-hinged doors opening in flight. The investigation revealed noncompliant installation and adjustment of the door-locking mechanism, which can result in the door unlocking and a risk of losing the door in flight.

ECF has issued Alert Telex 52-A008, dated March 11, 2002, which specifies checking and adjusting the position of each door's locking pins to prevent the door opening in flight. The DGAC classified this service bulletin as mandatory and issued AD No. 2002–186–005(A), dated April 3, 2002, to ensure the continued airworthiness of these helicopters in France.

This helicopter model is manufactured in France and is type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral agreement. Pursuant to the applicable bilateral 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.

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

The FAA estimates that 2 helicopters of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per helicopter to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $480.

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.

For the reasons discussed above, I certify that this action (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained 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 a new airworthiness directive to read as follows:

2002–22–15 Eurocopter France: Amendment 39–12942. Docket No. 2002–SW–26–AD.

Applicability: Model EC 155B helicopters, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters 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 within 25 hours time-in-service, unless accomplished previously, and each time a pilot, co-pilot, or passenger-hinged or sliding (door) is replaced.

To prevent loss of a door in flight, contact with the main rotor or tail rotor, and subsequent loss of helicopter control, accomplish the following:

(a) Inspect and adjust, if necessary, the position of each door's locking pins in accordance with the Accomplishment Instructions, paragraph 2, of Eurocopter France Alert Telex No. 52–A008, dated March 11, 2002 (Telex), except you are not required to comply with the caution and with the reporting requirements of the Telex, and you may consider shimming by washers a permanent repair.

(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, Regulations Group, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Regulations Group.

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

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

(d) Inspecting and adjusting the position of the door's locking mechanism shall be done in accordance with the Accomplishment Instructions of Eurocopter France Alert Telex No. 52-A008, dated March 11, 2002. 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 American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460, fax (972) 641–3527. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on December 17, 2002.

Note 3: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 2002–186–005(A), dated April 3, 2002.

Issued in Fort Worth, Texas, on October 28, 2002.

David A. Downey,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 02–28410 Filed 11–8–02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–SW–32–AD; Amendment 39–12943; AD 2002–22–16]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model AS355N Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD) for the specified Eurocopter France (ECF) helicopters. The existing AD requires visually inspecting the four engine exhaust pipe ejector (ejector) attachment lugs (lugs), the starter-generator (S–G) attachment flange (flange) and attachment half-clamps (half-clamps) for cracks, and the S–G shaft for radial play. This amendment will retain the current requirements except will not require measuring the radial play. This amendment will also require measuring each S–G engine clamp torque and vibration level and recording the S–G vibration level on a component history card or equivalent record. If the S–G vibration level is equal to or higher than 0.5 inches per second (IPS), this superseding AD requires repairing or replacing the S–G, as necessary. This amendment is prompted by additional cases of S–G damage and the need for additional corrective actions. The actions specified by this AD are intended to prevent excessive S–G vibration, which could lead to separation of an ejector, impact with the main or tail rotor, and subsequent loss of control of the helicopter.

DATES: Effective December 17, 2002.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 17, 2002.

ADDRESSES: The service information referenced in this AD may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460,

fax (972) 641–3527. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ed Cuevas, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations Group, Fort Worth, Texas 76193–0110, telephone (817) 222–5355, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: A proposal to amend 14 CFR part 39 by superseding AD 2000–05–15, Amendment 39–11625 (65 FR 14209) for ECF Model AS355N helicopters was published in the **Federal Register** on July 15, 2002 (67 FR 46423). That action proposed determining the S–G clamp torque and the vibration level on both engines at specified intervals. That action also proposed recording each vibration level on the component history card or equivalent record. If the S–G vibration level is equal to or higher than 0.5 IPS (12.7 mm/s), that action proposed repairing or replacing the S–G, as necessary. Also, that action proposed retaining the requirement to visually inspect the four ejectors, the lugs, the two half clamps, and the S–G flange for a crack and replacing any cracked part with an airworthy part before further flight.

The Direction Generale De L'Aviation Civile (DGAC), the airworthiness authority for France, notified the FAA that an unsafe condition may exist on Eurocopter France Model AS355N helicopters. The DGAC advises of further cases of S–G deterioration, which may lead to failure of the engine exhaust pipe lugs and loss of the ejector.

ECF has issued Eurocopter Alert Telex (Telex) No. 01.00.45 Revision 3, dated November 22, 2001 that supersedes Alert Telex No. 01.00.45 Revision 2, dated August 24, 2000, and No. 01.00.15 Revision 2, dated April 3, 2000, that superseded Alert Telex No. 01.00.45, dated October 27, 1999. Alert Telex No. 01.00.45 Revision 3 specifies checking the S–G clamp torque and vibration levels and recording vibration levels. If the vibration level is equal to or above 0.5 IPS (12.7 mm/s), Telex 01.00.45 Revision 3 specifies repairing the S–G as well as conducting additional inspections and repairs. The Telex states that ECF is developing modifications to return to an acceptable maintenance program.

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

The FAA estimates that this AD will:

- Affect 13 helicopters of U.S. registry;
- Require 5.5 work hours for the inspections and 5 work hours to replace the parts at an average labor rate of $60 per work hour;
- Cost approximately $6,346 for each S–G, $12,148 for each exhaust pipe, $500 for each flange, and $175 for each clamp or $38,338 per helicopter; and
- Result in a total cost impact of $506,584, assuming one inspection and replacement of all parts per helicopter.

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.

For the reasons discussed above, I certify that this action (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained 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 removing Amendment 39–11625 (65 FR 14209, March 16, 2000), and by adding a new airworthiness directive (AD), Amendment 39–12943, to read as follows:

2002–22–16 Eurocopter France: Amendment 39–12943. Docket No. 2002–SW–32–AD. Supersedes AD 2000–05–15, Amendment 39–11625, Docket No. 99–SW–87–AD.

Applicability: Model AS355N helicopters, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters 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 (e) 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 excessive starter-generator (S–G) vibration, which may lead to separation of an engine exhaust pipe ejector (ejector), impact with the main or tail rotor, and subsequent loss of control of the helicopter, accomplish the following:

(a) Before further flight and at or between 10 and 15 hours time-in-service (TIS), inspect the torque on each S–G attachment clamp (clamp). If the torque is not within tolerances provided in the maintenance manual, adjust the torque accordingly.

(b) Measure and record on a component history card or equivalent record the vibration level for each S–G in accordance with the Accomplishment Instructions, paragraph 2.A.2., of Eurocopter France (ECF) Telex No. 01.00.45 Revision 3, dated November 22, 2001 (Telex), as follows:

(1) For each S–G with less than 10 hours TIS since initial installation, before further flight, and at or between the hours TIS as shown in Table 1 of this AD:

TABLE 1.—S–G VIBRATION LEVEL MEASUREMENT INTERVALS

Hours TIS
A. 10 and 15
B. 24 and 35
C. 45 and 55
D. 70 and 80
E. 100 and 110

(2) For each S–G with 10 hours or more TIS but less than 110 hours TIS since initial installation, begin and continue the vibration level measurements at or between the applicable hours TIS shown in Table 1 of this AD.

(3) For each S–G with more than 110 hours TIS since initial installation, measure the vibration level before further flight.

(c) After doing paragraph (b) of this AD, thereafter, at intervals not to exceed 110 hours TIS, measure the vibration level in accordance with paragraph 2.A.2. of the Telex.

(d) If the vibration level of an S–G is equal to or greater than 0.5 inches per second (IPS) (12.7 mm/s):

(1) Remove the S–G and repair or replace it with an airworthy S–G.

(2) Visually inspect the four ejector attachment lugs (lugs) and the two clamps for a crack in accordance with the Accomplishment Instructions, paragraph 2.B.3.b.1B), of the Telex.

(3) Inspect the two half-clamps for a crack.

(4) Remove the S–G to engine attachment flange (flange). Clean and inspect the flange for a crack in accordance with the Accomplishment Instructions, paragraph 2.B.3.b.1D) of the Telex.

(5) If a crack is found, before further flight, repair or replace the cracked part with an airworthy part in accordance with the Accomplishment Instructions, paragraph 2.B.3.b.3 of the Telex, except you are not required to report your findings to the manufacturer.

(e) 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, Regulations Group, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Regulations Group.

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

(f) Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the requirements of this AD can be accomplished.

(g) Measuring the vibration level, inspecting the lugs or clamps, and replacing the parts shall be done in accordance with the Accomplishment Instructions, Eurocopter France Telex No. 01.00.45 Revision 3, dated November 22, 2001. 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 American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460, fax (972) 641–3527. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the *Office of the Federal Register,* 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on December 17, 2002.

Note 3: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD Nos. 1999–469–058(A) Revision 1, dated August 9, 2000, and 1999–469–058(A) Revision 2, dated January 9, 2002.

Issued in Fort Worth, Texas, on October 29, 2002.

David A. Downey,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 02–28412 Filed 11–8–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–CE–23–AD; Amendment 39–12944; AD 2002–22–17]

RIN 2120–AA64

Airworthiness Directives; Cessna Aircraft Company Models 208 and 208B Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to all Cessna Aircraft Company (Cessna) Models 208 and 208B airplanes. This AD requires you to repetitively inspect the inboard forward flap bellcranks for cracks or replace bellcranks depending on the amount of usage. This AD is the result of Cessna re-evaluating the bellcrank life limit analysis and determining that the original estimate is too high. The actions specified by this AD are intended to detect, correct, and prevent future cracks in the bellcrank, which could result in failure of this part. Such failure could lead to damage to the flap system and surrounding structure and result in reduced or loss of control of the airplane.

DATES: This AD becomes effective on December 31, 2002.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of December 31, 2002.

ADDRESSES: You may get the service information referenced in this AD from Cessna Aircraft Company, Product Support, P.O. Box 7706, Wichita, Kansas 67277; telephone: (316) 517–5800; facsimile: (316) 942–9006. You may view this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2002–CE–23-AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Paul Nguyen, Aerospace Engineer, FAA, Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone: 316–946–4125; facsimile: 816–946–4407.

SUPPLEMENTARY INFORMATION:

Discussion

What Events Have Caused This AD?

A search by the FAA of the service difficulty database has revealed 10 cracked bellcrank incidents on Cessna Models 208 and 208B airplanes. As a result, Cessna has re-evaluated the bellcrank life limit analysis and determined 7,000 landings is more accurate than the original estimate of 9,000 landings. Cessna has revised the Models 208 and 208B Maintenance Manual and developed a service bulletin to notify the public that the inboard forward flap bellcrank life limit has been reduced to 7,000 landings. Since some Model 208 airplanes have exceeded 7,000 landings, we have determined that an AD is necessary to require replacement of the bellcrank in those airplanes.

What Is the Potential Impact if FAA Took No Action?

If not detected and corrected, a cracked bellcrank could fail. Such failure could lead to damage to the flap system and surrounding structure and result in reduced or loss of control of the airplane.

Has FAA Taken Any Action to This Point?

We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all Cessna Models 208 and 208B airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on June 26, 2002 (67 FR 43056). The NPRM proposed to repetitively inspect the inboard forward flap bellcranks for cracks or replace bellcranks depending on the amount of usage and reduce the life limits of the bellcranks from 9,000 landings to 7,000 landings.

Was the Public Invited to Comment?

The FAA encouraged interested persons to participate in the making of this amendment. The following presents the comments received on the proposal and FAA's response to each comment:

Comment Issue 1: Which Flap Bellcrank(s) Does the Proposed AD Affect?

What Is the Commenter's Concern?

A commenter asks if the proposed AD only affects the right inboard flap bellcrank or the right and the left flap inboard bellcranks?

What Is FAA's Response to the Concern?

The Cessna Model 208 airplane has only one inboard flap bellcrank assembly and it is located on the right hand side of the aircraft. This flap bellcrank assembly controls both the right and left flaps. Therefore, inspection of the only flap bellcrank assembly in accordance with the Cessna Service Bulletin CABO2–1 will comply with the proposed AD.

We have not changed the final rule as a result of this comment.

Comment Issue 2: The Limits in the Service Information Are Sufficient and the Proposed AD Is Not Warranted.

What is the Commenter's Concern?

A commenter states that Cessna has revised their airworthiness limitations to reflect what the NPRM proposes. The limitations now include a 7,000 landings limit, with repetitive inspections every 500 landings until 7,000 landings are accumulated. For this reason, the commenter recommends that we withdraw the NPRM.

What is FAA's Response to the Concern?

We disagree. Airworthiness Directives that apply more restrictive limits to products are issued when the current limits contribute to an unsafe condition. The AD establishes a deadline to come into compliance with the new life limits.

We have not changed the final rule as a result of this comment.

FAA's Determination

What Is FAA's Final Determination on This Issue?

We carefully reviewed all available information related to the subject presented above and determined that air safety and the public interest require the adoption of the rule as proposed except for the changes discussed above and minor editorial questions. We have determined that these changes and minor corrections:

—Provide the intent that was proposed in the NPRM for correcting the unsafe condition; and

—Do not add any additional burden upon the public than was already proposed in the NPRM.

Cost Impact

How Many Airplanes Does This AD Impact?

We estimate that this AD affects 1,300 airplanes in the U.S. registry.

What Is the Cost Impact of This AD on Owners/Operators of the Affected Airplanes?

We estimate the following costs to accomplish the inspection:

Labor Cost	Parts Cost	Total Cost Per Airplane	Total Cost on U.S. Operators
1 workhour × $60 per hour = $60 ...	No cost for parts	$60	$60 × 1,300 = $78,000

We estimate the following costs to accomplish any necessary replacements that would be required based on the reduced life limits:

Labor Cost	Parts Cost	Total Cost Per Airplane	Total Cost on U.S. Operators
3 workhours × $60 per hour = $180	$1,793	$180 + $1,793 = $1,973	$1,973 × $1,300 = $2,564,900

Regulatory Impact

Does This AD Impact Various Entities?

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.

Does This AD Involve a Significant Rule or Regulatory Action?

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under 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. FAA amends § 39.13 by adding a new AD to read as follows:

2002–22–17 Cessna Aircraft Company: Amendment 39–12944; Docket No. 2002–CE–23–AD.

(a) *What airplanes are affected by this AD?* This AD affects Models 208 and 208B airplanes, all serial numbers, that are certificated in any category.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the airplanes identified in paragraph (a) of this AD must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to detect, correct, and prevent cracks in the bellcrank, which could result in failure of this part. Such failure could lead to damage to the flap system and surrounding structure and result in reduced or loss of control of the airplane.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance	Procedures
(1) Inspect, using eddy current inspection, the inboard forward flap bellcrank for cracks.	Initially inspect upon the accumulation of 4,000 landings on the bellcrank or within the next 250 landings after December 31, 2002 (the effective date of this AD), whichever occurs later. Repetitively inspect thereafter at every 500 landings until 7,000 landings are accumulated.	In accordance with the Inspection Instructions of Cessna Service Bulletin No. CAB02–1, dated February 11, 2002, and the applicable maintenance manual.
(2) Replace the inboard forward flap bellcrank.	Prior to further flight when cracks are found; and upon the accumulation of 7,000 landings or within the next 75 landings after December 31, 2002 (the effective date of this AD), whichever occurs later.	In accordance with the Inspection Instructions of Cessna Service Bulletin No. CAB02–1, dated February 11, 2002, and the applicable maintenance manual.

Note 1: Inboard forward flap bellcranks with 7,000 landings or more do not have to be replaced until 75 landings after the effective date of this AD.

Note 2: The compliance times of this AD are presented in landings instead of hours. If the number of landings is unknown, hours time-in-service (TIS) may be used by multiplying the number of hours TIS by 1.25.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Wichita Aircraft Certification Office (ACO), approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note 3: This AD applies to each airplane identified in paragraph (a) of this AD, 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 (e) 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 you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Paul Nguyen, Aerospace Engineer, FAA, Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone: 316–946–4125; facsimile: 816–946–4407.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with Cessna Service Bulletin No. CAB02–1, dated February 11, 2002. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You may get copies from Cessna Aircraft Company, Product Support, PO Box 7706, Wichita, Kansas 67277; telephone: (316) 517–5800; facsimile: (316) 942–9006. You may view copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(i) *When does this amendment become effective?* This amendment becomes effective on December 31, 2002.

Issued in Kansas City, Missouri, on October 31, 2002.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–28408 Filed 11–8–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 872

[Docket No. 02N–0010]

Dental Devices; Classification for Intraoral Devices for Snoring and/or Obstructive Sleep Apnea

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is classifying the intraoral devices for snoring and/or obstructive sleep apnea into class II (special controls). These devices are used to control or treat simple snoring and/or obstructive sleep apnea. This classification is based on the recommendations of the Dental Devices Panel (the Panel), and is being taken to establish sufficient regulatory controls that will provide reasonable assurance of the safety and effectiveness of these devices. This action is being taken under the Federal Food, Drug, and Cosmetic Act (the act), as amended by the Medical Device Amendments of 1976 (the 1976 amendments), the Safe Medical Devices Act of 1990 (the SMDA), and the Food and Drug Administration Modernization Act of 1997 (FDAMA). Elsewhere in this issue of the **Federal Register**, FDA is publishing a notice of availability of the guidance document that will serve as the special control for this final rule.

DATES: This rule is effective December 12, 2002.

FOR FURTHER INFORMATION CONTACT: Susan Runner, Center for Devices and Radiological Health (HFZ–480), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–827–5283.

SUPPLEMENTARY INFORMATION:

I. Background

The act (21 U.S.C. 301 *et seq.*), as amended by the 1976 amendments (Public Law 94–295), the SMDA (Public Law 101–629), and the FDAMA (Public Law 105–115), established a comprehensive system for the regulation of medical devices intended for human use. Section 513 of the act (21 U.S.C. 360c) established three categories (classes) of devices, depending on the regulatory controls needed to provide reasonable assurance of their safety and effectiveness. The three categories of devices are class I (general controls), class II (special controls), and class III (premarket approval).

Under section 513 of the act, devices that were in commercial distribution before May 28, 1976 (the date of enactment of the 1976 amendments), are generally referred to as preamendments devices, and are classified after FDA has: (1) Received a recommendation from a device classification panel (an FDA advisory committee); (2) published the panel's recommendation for comment, along with a proposed regulation classifying the device; and (3) published a final regulation classifying the device. FDA has classified most preamendments devices under these procedures.

Devices that were not in commercial distribution prior to May 28, 1976, are generally referred to as postamendments devices, and are classified automatically by statute (section 513(f) of the act) into class III without any FDA rulemaking process. Those devices remain in class III and require premarket approval, unless and until: (1) The device is reclassified into class I or II; (2) FDA issues an order classifying the device into class I or II in accordance with new section 513(f)(2) of the act), as amended by the FDAMA; or (3) FDA issues an order finding the device to be substantially equivalent, under section 513(i) of the act, to a predicate device that does not require premarket approval.

The agency determines whether new devices are substantially equivalent to previously offered devices by means of premarket notification procedures in section 510(k) of the act (21 U.S.C. 360(k)) and 21 CFR part 807 of the regulations.

A preamendments device that has been classified into class III may be marketed, by means of premarket notification procedures, without submission of a premarket approval application (PMA) until FDA issues a final regulation under section 515(b) of the act (21 U.S.C. 360e(b)) requiring premarket approval.

Consistent with the act and the regulations, FDA consulted with the Panel, an FDA advisory committee, regarding the classification of these devices.

II. Regulatory History of the Device

In the **Federal Register** of April 5, 2002 (67 FR 16338), FDA issued a proposed rule to classify the intraoral devices for snoring and/or obstructive sleep apnea, used to control or treat simple snoring and/or obstructive sleep apnea into class II. The agency also issued a guidance document as the special control. Interested persons were given until July 5, 2002, to comment on the proposed regulation and guidance document.

FDA received one comment from the National Association of Dental Laboratories.

III. Summary of Final Rule

As required by 21 CFR 860.84(g)(2) of the regulations, FDA is classifying intraoral devices for snoring and/or obstructive sleep apnea into class II with the guidance document ''Class II Special Controls Guidance Document: Intraoral Devices for Snoring and/or Obstructive Sleep Apnea'' (Ref. 1), as the special control.

IV. Analysis of Comment and FDA's Response

The one comment FDA received expressed concerns about the effect the guidance document would have on dental laboratories. FDA has concluded that the guidance document does not change the regulatory requirements for dental laboratories.

Therefore, under section 513 of the act, FDA is adopting the summary of reasons for the Panel's recommendation and the summary of data upon which the Panel's recommendation is based, in their entirety. FDA also agrees with the Panel's assessment of the risks to public health stated in the proposed rule published on April 5, 2002. FDA is issuing this final rule, which classifies these generic type of intraoral devices for snoring and obstructive sleep apnea into class II.

V. Environmental Impact

The agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environment assessment nor an environmental impact statement is required.

VI. Analysis of Impacts

FDA has examined the impacts of the final rule under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this final rule is consistent with the regulatory philosophy and principles identified in the Executive order. In addition, the final rule is not a significant regulatory action as defined by the Executive order and so is not subject to review under the Executive order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. The classification of these devices into class II is not adding any additional burden to manufacturers, because most manufacturers, including small manufacturers, are already substantially in compliance with the recommendations of the guidance document that is the special control for the devices. The agency, therefore, certifies that this final rule will not have a significant economic impact on a substantial number of small entities. In addition, this final rule will not impose costs of $100 million or more on either the private sector or State, local, and tribal governments in the aggregate, and, therefore, a summary statement of analysis under section 202(a) of the Unfunded Mandates Reform Act of 1995 is not required.

VII. Federalism

FDA has analyzed this final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the rule does not contain policies 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. Accordingly, the agency has concluded that the rule does not contain policies that have federalism implications as defined in the Executive order and, consequently, a federalism summary impact statement is not required.

VIII. Paperwork Reduction Act of 1995

FDA concludes that this final rule contains no collections of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) is not required.

IX. Reference

The following reference has been placed on display in the Dockets Management Branch (HFA–305), 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. FDA, Center for Devices and Radiological Health, Office of Device Evaluation, ''Class II Special Controls Guidance Document: Intraoral Devices for Snoring and/or Obstructive Sleep Apnea; Guidance for Industry and FDA,'' April 5, 2002.

List of Subjects in 21 CFR Part 872

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 872 in subpart F is amended as follows:

PART 872—DENTAL DEVICES

1. The authority citation for 21 CFR part 872 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

2. Section 872.5570 is added to subpart F to read as follows:

§ 872.5570 Intraoral devices for snoring and intraoral devices for snoring and obstructive sleep apnea.

(a) *Identification*. Intraoral devices for snoring and intraoral devices for snoring and obstructive sleep apnea are devices that are worn during sleep to reduce the incidence of snoring and to treat obstructive sleep apnea. The devices are designed to increase the patency of the airway and to decrease air turbulence and airway obstruction. The classification includes palatal lifting devices, tongue retaining devices, and mandibular repositioning devices.

(b) *Classification*. Class II (special controls). The special control for these devices is the FDA guidance document entitled ''Class II Special Controls Guidance Document: Intraoral Devices for Snoring and/or Obstructive Sleep Apnea; Guidance for Industry and FDA.''

Dated: October 28, 2002.

Linda S. Kahan,

Deputy Director, Center for Devices and Radiological Health.

[FR Doc. 02–28549 Filed 11–8–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 450

[FHWA Docket No. FHWA–2001–10836]

FHWA RIN 2125–AE92

Metropolitan Transportation Planning and Programming

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Correction to final rule.

SUMMARY: This document corrects a typographical error in the FHWA final rule, published jointly with the Federal Transit Administration (FTA), on October 7, 2002, at 67 FR 62370. The final rule amends the regulation on Planning and Assistance Standards that govern the development of transportation plans and programs for urbanized (metropolitan) areas. The FTA has codified the FHWA regulations for Metropolitan Transportation Planning and Programming into its regulations at 49 CFR 613 and joins the FHWA in making this change. The final rule provides the New York City metropolitan area additional time to review and update its transportation plan by waiving the regulatory requirement for a triennial plan update for the New York City metropolitan area for up to three years, until September 30, 2005. The docket number that appeared at the heading of the final rule was incorrect. This notice provides the current docket number regarding the Metropolitan Transportation Planning and Programming final rule as FHWA–2001–10836.

EFFECTIVE DATE: October 7, 2002.

FOR FURTHER INFORMATION CONTACT: Mr. John Humeston, Metropolitan Planning and Policies Team (HEPM), (404) 562–3667 (metropolitan planning), 60 Forsyth Street, Suite 8M5; Atlanta, Georgia 30303–3104; or Mr. Reid Alsop, Office of the Chief Counsel (HCC–31), (202) 366–1371; 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the Office of the Federal Register's home page at: *http://www.archives.gov* and the Government Printing Office's Web page at: *http://www.access.gpo.gov/nara.*

Background

On October 7, 2002, at 67 FR 62370, the FHWA, jointly with the FTA, issued a final rule to provide the New York City metropolitan area additional time to review and update its transportation plan by waiving the regulatory requirement for a triennial plan update for the New York City metropolitan area for up to three years, until September 30, 2005. This action was necessary because the New York City Metropolitan Transportation Council's (NYMTC) offices were destroyed by the terrorist attacks that occurred on September 11, 2001, and without this waiver, Federal highway and transit funding could be disrupted after September 30, 2002. The purpose of this notice is to correct the docket number to the final rule. The correct docket number for the final rule is FHWA–2001–10836.

Authority: 23 U.S.C. 134, 135, 217(g), 315; 42 U.S.C. 7410 *et seq.*; 49 U.S.C. 5303–5306; 49 CFR 1.48(b) and 1.51.

Issued on: November 5, 2002.

James A. Rowland,

Chief Counsel, Federal Highway Administration.

[FR Doc. 02–28643 Filed 11–8–02; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9020]

RIN 1545–BB19

Substantiation of Incidental Expenses

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final and temporary regulations.

SUMMARY: This document contains amendments to regulations relating to the requirement to substantiate business expenses for traveling expenses while away from home. The regulations affect taxpayers who deduct expenses for incidental expenses while traveling away from home. The text of the temporary regulations also serves as text for the proposed regulations set forth in the notice of proposed rulemaking on this subject in the Proposed Rules section in this issue of the **Federal Register**.

DATES: *Effective Date*: These regulations are effective November 12, 2002.

Applicability Date: For dates of applicability, see § 1.274–5T(m).

FOR FURTHER INFORMATION CONTACT: John Moriarty (202) 622–4930 (not a toll free call).

SUPPLEMENTARY INFORMATION:

Background and Explanation of Provisions

Section 274(d) provides that a taxpayer is not allowed a deduction or credit for certain expenses unless the expense is substantiated. These substantiation requirements apply to deductions under section 162 or 212 for any traveling expense (including meals and lodging) while away from home. Under section 274(d), the Secretary may issue regulations that provide that some or all of the substantiation requirements will not apply to expenses that do not exceed a prescribed amount. Section 1.274–5(j)(1) of the regulations permits the Commissioner to establish a method under which a taxpayer may substantiate the amount of meal expenses paid or incurred while traveling away from home by means of

an allowance in lieu of substantiating the actual cost of meals.

Under this authority, the Commissioner has provided a method for taxpayers to substantiate deductible costs of business meal and incidental expenses while away from home by means of an allowance. *See* Rev. Proc. 2001–47 (2001–42 I.R.B. 332). These temporary regulations amend § 1.274–5T to authorize the Commissioner to establish a method under which a taxpayer may substantiate the amount of incidental expenses paid or incurred while traveling away from home by means of an allowance in lieu of substantiating the actual cost. The taxpayer will not be relieved of the requirement to substantiate the actual cost of other travel expenses as well as the time, place and business purpose of the travel.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It is hereby certified that these regulations will not have a significant economic impact on a substantial number of small entities. This certification is based upon the fact that these regulations do not require a collection of information and do not impose any new or different requirements on small entities. Therefore, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Pursuant to section 7805(f) of the Internal Revenue Code, these temporary regulations will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact.

Drafting Information

The principal author of these regulations is John Moriarty, Office of Associate Chief Counsel (Income Tax & Accounting). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

1. The authority citation for part 1 is amended by adding an entry in numerical order to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Section 1.274–5 also issued under 26 U.S.C. 274(d). * * *

2. Section 1.274–5 is amended by adding paragraph (j)(3) to read as follows:

§ 1.274–5 Substantiation requirements.

* * * * *

(j) * * *

(3) [Reserved]. For further guidance, see § 1.274–5T(j)(3).

* * * * *

3. Section 1.274–5T is amended by revising paragraph (j) and the last sentence of paragraph (m) to read as follows:

§ 1.274–5T Substantiation requirements (temporary).

* * * * *

(j)(1) and (2) [Reserved]. For further guidance, *see* § 1.274–5(j)(1) and (2).

(3) *Incidental expenses while traveling away from home.* The Commissioner may establish a method under which a taxpayer may use a specified amount or amounts for incidental expenses paid or incurred while traveling away from home in lieu of substantiating the actual cost of incidental expenses. The taxpayer will not be relieved of the requirement to substantiate the actual cost of other travel expenses as well as the time, place, and business purpose of the travel.

* * * * *

(m) * * * Paragraph (j)(3) of this section applies to expenses paid or incurred after September 30, 2002.

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

Approved: October 31, 2002.

Pamela F. Olson,

Assistant Secretary of the Treasury.

[FR Doc. 02–28543 Filed 11–8–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 356

[Department of the Treasury Circular, Public Debt Series No. 1–93]

Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds; Reporting of Net Long Position and Application of the 35 Percent Limit

AGENCY: Bureau of the Public Debt, Fiscal Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury (''Treasury,'' ''We,'' or ''Us'') is issuing in final form an amendment to the regulation ''Uniform Offering Circular for the Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds.'' This amendment modifies the net long position (''NLP'') reporting threshold for all Treasury marketable securities auctions. The threshold, currently $1 billion for Treasury bill auctions and $2 billion for Treasury note auctions, is being changed to 35 percent of the offering amount in each auction. This modification will reduce the number of auction bidders that are required to report their NLPs, while ensuring that we can still effectively administer the 35 percent award limit.

The amendment also incorporates certain changes in Treasury's marketable securities auction program that have already been implemented. First, the amendment modifies the competitive bid format for auctions of Treasury cash management bills to conform to a policy change that was made in April 2002. The current two-decimal bid format is being changed to three decimals in .005 percent increments, which is the format in all other Treasury bill auctions.

Second, the amendment makes several changes to reflect the current treatment in all Treasury marketable securities auctions of bids from Federal Reserve Banks for their own accounts and for the accounts of foreign and international monetary authorities. Specifically, the amendment deletes the defined term ''public offering,'' adds ''offering amount'' as a new defined term, revises the definition of ''bid-to-cover ratio,'' and makes conforming changes within the text of the Uniform Offering Circular. These changes make the terminology consistent between the Uniform Offering Circular and auction offering announcements.

EFFECTIVE DATE: December 12, 2002.

ADDRESSES: You may download this final rule from the Bureau of the Public Debt's Web site at *www.publicdebt.treas.gov.* It is also available for public inspection and copying at the Treasury Department Library, Room 1428, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. To visit the library, call (202) 622–0990 for an appointment.

FOR FURTHER INFORMATION CONTACT: Lori Santamorena (Executive Director), Chuck Andreatta (Senior Financial Advisor), or Lee Grandy (Associate Director), Bureau of the Public Debt,

Government Securities Regulations Staff, (202) 691–3632.

SUPPLEMENTARY INFORMATION: The Uniform Offering Circular, in conjunction with the offering announcement for each auction, provides the terms and conditions for the sale and issuance to the public of marketable Treasury bills, notes, and bonds.[1] In this document, we provide some background on the NLP and its reporting requirements. Next we discuss the public comments we received in response to an Advance Notice of Proposed Rulemaking (''ANPR'') regarding NLP reporting, published on April 29, 2002.[2] We then describe the final amendment.

I. Background on Net Long Position Reporting

One of the requirements of the Treasury auction process is the reporting of NLPs, which we use to limit the amount that we will award to any one bidder in an auction (''the 35 percent rule''). This rule ensures that awards in our auctions are distributed to a number of auction participants. This goal of broad distribution is intended to encourage participation by a significant number of competitive bidders in each auction. Broad participation keeps our borrowing costs to a minimum, helps ensure that Treasury auctions are fair and competitive, and makes it less likely that ownership of Treasury securities will become overly concentrated.

A bidder in an auction must report its NLP if, in the security being auctioned, the bidder's NLP plus its bids in the auction meet or exceed a certain dollar-amount threshold as stated in the security's offering announcement. The NLP reporting threshold currently is $1 billion for Treasury bills and $2 billion for Treasury notes. In addition, if the sum of a bidder's bids equals or exceeds the NLP reporting threshold, but the bidder has no position or has a net short position, it must report an NLP of zero. A bidder must determine its NLP as of one-half hour prior to the deadline for receipt of competitive bids. If a bidder meets or exceeds the reporting threshold as of the NLP determination time in the auction offering announcement, the bidder must report its NLP prior to the competitive bidding deadline.

The NLP is generally the amount of the security being auctioned that a bidder has obtained, or has arranged to obtain, outside of the auction in the secondary market. The components of the NLP are intended to capture the various ways that a bidder can acquire a Treasury security.[3] The term ''net long'' refers to the extent to which an investor has bought (or has agreed to buy) more of a security than it has sold (or has agreed to sell). For example, if an investor has bought $900 million of a security in the when-issued market, and it has sold $300 million of the same security in the when-issued market, it has a net long position of $600 million in that security, assuming it has no other positions.

We published an ANPR for public comment on April 29, 2002,[4] to solicit comments on four alternatives for addressing the half-hour time lag between the time as of which the NLP is calculated (the ''NLP as-of time'') and the competitive bidding deadline. It was pointed out in the ANPR that, because a bidder's NLP can change significantly during this time period, the reported NLP may not provide an accurate, or even approximate, measure of a bidder's position at the time that a bidder actually submits its bids. As a result, a bidder's award may be cut back to the 35 percent award limit based on NLP information that no longer reflects the bidder's actual NLP. Conversely, a bidder's award may not be cut back if it builds a large position in the security being auctioned between the NLP as-of time and the competitive bidding deadline. We also stated in the ANPR that we were more fundamentally reconsidering the rule. In addition, we invited comments on potential changes to the NLP reporting threshold amount, and indicated that we were considering changes in this area regardless of whether or not we implement any modifications to the NLP as-of reporting timeframes.

The four alternatives were as follows:

Alternative 1: Reduce the half-hour interval between the NLP as-of time and the competitive bidding deadline.

Alternative 2: Make the NLP as-of time the same as the competitive bidding deadline, with the NLP reporting time to follow (for example, one-half hour later). Bidders would be responsible for ensuring that their bids plus their positions, if they are net long, do not exceed the 35 percent award limit.

Alternative 3: Eliminate the NLP reporting requirement, and either maintain or reduce the 35 percent limit. Treasury would rely on its Large Position Reporting rules[5] and other mechanisms to monitor the market and address concentrations of ownership.

Alternative 4: Retain both the 35 percent limit and the NLP as-of and reporting timeframes as they exist now.

Potential change to NLP reporting threshold amount. Regarding this potential change, we stated in the ANPR that we are considering changing the NLP reporting threshold from $1 billion for Treasury bills and $2 billion for Treasury notes to the actual 35 percent award limit for each auction. This rule change would apply to all marketable Treasury securities auctions. We also stated that we would provide the 35 percent award limit on the auction offering announcement in each auction. Bidders whose bids plus NLPs equal or exceed the limit would be required to report their positions. For example, if the 35 percent award limit for a particular auction is $3 billion, and the total of a bidder's bids is $2.5 billion and its NLP is $1 billion, the bidder would have to report its $1 billion NLP. Bidders whose bids plus NLPs do not equal or exceed the limit would not be required to report any positions. Bidders whose total bids equal or exceed the limit but either have no position or a net short position would not have to report a zero as their NLP.

II. Comments Received in Response to the Advance Notice of Proposed Rulemaking

We received one comment in response to the ANPR, which was from The Bond Market Association (TBMA).[6] The commenter recommended that we make three changes to the NLP rules.

First, TBMA supported Alternative 1 by advocating reducing the half-hour interval between the NLP as-of time and the competitive bidding deadline. Specifically, the commenter suggested requiring bidders to calculate their NLPs as of 12:40 p.m. rather than 12:30 p.m. TBMA stated that this modification would take advantage of technological advances by dealers while still ensuring the accuracy of submitted bids and NLPs. The commenter pointed out a disadvantage of this alternative, which is, ''Because auction support staff will have less time to work with, there is certainly the possibility that Treasury

[1] The Uniform Offering Circular was published as a final rule on January 5, 1993 (58 FR 412). The Uniform Offering Circular, as amended, is codified at 31 CFR Part 356.

[2] 67 FR 20934 (April 29, 2002).

[3] *See* 31 CFR 356.13(b) for details on the components of the NLP. *See also* the amendment to the Uniform Offering Circular published on November 13, 2001 (66 FR 56759), which provided an optional exclusion amount in the NLP calculation for reopenings.

[4] See supra, note 2.

[5] 17 CFR 420.

[6] The ANPR and comment letter, dated June 27, 2002, are available for downloading on the Internet, and for inspection and copying at the Treasury Department Library at the addresses provided earlier in this final rule.

may initially see a small spike in the number of NLP submission errors.'' The commenter opposed providing bidders with less than 20 minutes to determine, verify and report their NLPs, primarily because ''moving the time up further would put substantial strain on existing personnel,'' particularly for those securities dealers with numerous domestic and foreign affiliates.

Second, TBMA strongly supported modifying the NLP reporting thresholds for bill and note auctions to 35 percent of the issuance amount, because it would ''better capture only those bidders that are most likely to exceed the 35 percent limit.'' The commenter maintained that the current reporting thresholds are ''unnecessarily low'' and that, ''Any benefit Treasury derives from maintaining a low reporting threshold is outweighed by the additional bidder submission errors that result.''

Third, TBMA recommended that we discontinue requiring bidders to report a zero NLP when their bids equal or exceed the applicable reporting threshold but they have either no net long position or a net short position. The commenter advocated that such bidders be given the choice of either reporting a zero NLP or leaving the field blank. TBMA acknowledged that, ''requiring bidders to report their negative NLP as zero does theoretically act as a check that a bidder realized that it was over the threshold.'' However, TBMA asserted that inadvertent failures by bidders to report a zero have resulted in ''serious violation letters'' from Treasury, where in fact such instances are ''a technical violation of the auction rules that in no way could have impacted the results of the auction.''

In addition to the modifications it favored, TBMA also advised against adopting either Alternative 2 or 3. In particular, TBMA argued against post-auction reporting of NLPs (Alternative 2), primarily because it would discourage aggressive bidding since ''large bidders would have to allow themselves a substantial 'margin for error' with respect to the 35 percent rule.''

III. Amendment to the Rule

Net Long Position Reporting Threshold

After considering the comment letter we received, we are modifying the NLP reporting threshold to 35 percent of the offering amount in each auction. We agree with the commenter that this change will more precisely apply only to those bidders whose bids are most likely to equal or exceed the 35 percent award limit in an auction. Accordingly, § 356.13(a) is revised to reflect that the net long position reporting threshold amount will be 35 percent of the offering amount. The NLP reporting threshold will be provided on the offering announcement for each auction.

We are not considering any other changes to the NLP reporting requirement at this time. The NLP as-of reporting time will continue to be one half-hour prior to the deadline for receiving competitive bids. We agree with TBMA that shortening this time interval could result in an increase in NLP reporting errors. Since shortening the time interval to 20 minutes would still leave a significant time period in which bidders' positions in the securities being auctioned could change significantly prior to the deadline for receiving competitive bids, we believe that the disadvantages of a likely increase in NLP reporting errors outweigh the benefits of a shorter time period for calculating and reporting NLPs.

We also have decided to maintain the requirement for bidders to report an NLP of zero when their bids equal or exceed the applicable reporting threshold but they have either no net long position or a net short position. We believe that this requirement acts as an important check to ensure that bidders with very large bids in an auction calculated their NLPs for possible reporting in the auction.

Conforming Technical Changes

We are also making a conforming technical change to § 356.12(c)(1)(i) of the auction rules to reflect that competitive bids in all cash management bill auctions must now be expressed as a discount rate with three decimals in increments of .005 percent, for example, 3.100%, 3.105%.[7] This change will make the competitive bid format for cash management bills the same as for all other types of Treasury bills. This change will enable competitive bidders to better fine-tune their bids in cash management bill auctions.

We are deleting from § 356.12 the defined term ''public offering'' and adding the defined term ''offering amount.'' In the past, ''public offering'' had a different meaning from ''offering amount'' as used on the offering announcement because of the treatment of amounts bid by the Federal Reserve's System Open Market Account (SOMA) and by foreign and international monetary authorities (FIMA). In March 1997, Treasury announced that awards to SOMA in Treasury bill auctions would be treated as additions to the announced offering amount, the same treatment as for note and bond auctions.[8] Since February 2001, when specific noncompetitive bidding and award limitations were placed on FIMA accounts,[9] awards to FIMA accounts are made within the offering amount, as are those to the public in general. Since these changes, the treatment of FIMA and SOMA is consistent for all Treasury securities auctions. Awards to SOMA are made in addition to the offering amount; FIMA awards are within the offering amount.

The definition of ''public offering'' in § 356.2 is no longer accurate to the extent that the definition continues to exclude FIMA bids up to the amount of maturing securities in those accounts. Since there is no longer any difference in the meaning of ''public offering'' and ''offering amount,'' and the offering announcements use the term ''offering amount,'' we are deleting the term ''public offering'' and adding the term ''offering amount'' to the Uniform Offering Circular, and making conforming changes within the text. One of these conforming changes is to the definition of ''bid-to-cover ratio,'' which previously excluded both SOMA and FIMA bids and awards, and now only excludes SOMA bids and awards.

Finally, this amendment incorporates technical changes in §§ 356.20 and 356.21 to conform to our policy for prorating competitive bids at the highest accepted yield or discount rate. In the weekly bill auctions of April 30, 2001, we changed the rounding convention for the allocation percentage from rounding up to the next whole percentage point to rounding up to the next hundredth of a whole percentage point.

IV. Procedural Requirements

This final rule is not a significant regulatory action for purposes of Executive Order 12866. Although we issued an Advance Notice of Proposed Rulemaking on April 29, 2002, to benefit from public comment, the notice and public procedures requirements of the Administrative Procedure Act do not apply, under 5 U.S.C. 553(a)(2).

Since no notice of proposed rulemaking is required, the provisions

[7] Treasury announced this policy change in a Press Release dated April 2, 2002, that announced several offerings of cash management bills. Subsequent cash management bill offering announcements also stated this bidding requirement. The offering announcement governs in cases where it is inconsistent with the Uniform Offering Circular. (See § 356.10)

[8] Treasury Press Release dated March 18, 1997.

[9] The policy change was announced in a Treasury Press Release dated November 14, 2000, and became effective on February 1, 2001.

of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

The collections of information in this final rule amendment have been previously approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995. This final rule is technical in nature and imposes no additional burdens on auction bidders.

List of Subjects in 31 CFR Part 356

Bonds, Federal Reserve System, Government securities, Securities.

For the reasons stated in the preamble, 31 CFR Part 356 is amended as follows:

PART 356—SALE AND ISSUE OF MARKETABLE BOOK-ENTRY TREASURY BILLS, NOTES, AND BONDS (DEPARTMENT OF THE TREASURY CIRCULAR, PUBLIC DEBT SERIES NO. 1–93)

1. The authority citation for Part 356 continues to read as follows:

Authority: 5 U.S.C. 301; 31 U.S.C. 3102 *et seq.*; 12 U.S.C. 391.

2. Section 356.2 is amended by removing the definition of ''Public offering,'' revising the definition of ''Bid-to-cover ratio,'' and adding the defined term ''Offering amount'' between the defined terms ''Noncompetitive bid'' and ''Par'' to read as follows:

§ 356.2 Definitions.

* * * * *

Bid-to-cover ratio means the total par amount of securities bid for by the public divided by the total par amount of securities awarded to the public. The bid-to-cover ratio excludes any bids or awards for the account of the Federal Reserve Banks.

* * * * *

Offering amount means the par amount of securities offered to the public for purchase in an auction, as specified in the offering announcement.

* * * * *

3. Section 356.12 is amended by revising paragraphs (c)(1)(i) and (c)(2) to read as follows:

§ 356.12 Noncompetitive and competitive bidding.

* * * * *

(c) Competitive. * * *

(1) Bid format—(i) Treasury bills. A competitive bid must show the discount rate bid, expressed with three decimals in .005 percent increments. The third decimal must be either a zero or a five, *e.g.*, 5.320 or 5.325. Fractions may not be used.

* * * * *

(2) Maximum recognized bid. There is no limitation on the maximum dollar amount that a bidder may bid for competitively, either at one yield or discount rate, or at different yields or discount rates. However, a competitive bid at a single yield or discount rate that exceeds 35 percent of the offering amount will be reduced to that amount. For example, if the offering amount is $10 billion, the maximum bid amount that will be recognized at any one yield or discount rate from any bidder is $3.5 billion. (*See* § 356.22 for award limitations.)

4. Section 356.13 is amended by revising paragraph (a) to read as follows:

§ 356.13 Net long position.

(a) *Reporting net long positions.* When bidding competitively, a bidder must report the amount of its net long position when the total of all of its bids in an auction plus the bidder's net long position in the security being auctioned equals or exceeds the net long position reporting threshold amount. The net long position reporting threshold amount for any particular security will be stated in the offering announcement for that security. (*See* § 356.10.) That amount will be 35 percent of the offering amount, unless otherwise stated in the offering announcement. If the bidder either has no position or has a net short position and the total of all of its bids equals or exceeds the net long position reporting threshold amount, a net long position of zero must be reported. In cases where a bidder that is required to report the amount of its net long position has more than one bid, the bidder's total net long position should be reported in connection with only one bid. A bidder that is a customer must report its reportable net long position through only one depository institution or dealer. (*See* § 356.14(c).)

* * * * *

5. Section 356.20 is amended by revising paragraph (a) to read as follows:

§ 356.20 Determination of auction awards.

(a) *Determining the range and amount of accepted competitive bids*—(1) *Accepting bids.* Determinations of awards in auctions are made after the closing time for receipt of bids. In determining auction awards, all noncompetitive bids received by the closing time specified in the offering announcement are accepted in full. Then competitive bids are accepted, starting with those at the lowest yields or discount rates through successively higher yields or discount rates, up to the amount required to meet the offering amount. Bids at the highest accepted yield or discount rate will be prorated (as described in paragraph (a)(2) of this section), if necessary. If the amount of noncompetitive bids would absorb most or all of the offering amount, competitive bids will be accepted in an amount determined by Treasury to be sufficient to provide a fair determination of the yield or discount rate for the securities being auctioned.

(2) *Accepting bids at the high yield or discount rate.* When the total amount of bids at the highest accepted yield or discount rate exceeds the amount of the offering amount remaining after acceptance of noncompetitive bids and competitive bids at the lower yields or discount rates, a percentage of the bids received at the highest accepted yield or discount rate will be awarded. This proration is performed for the purpose of awarding a par amount of securities close to the offering amount. The percentage is derived by dividing the remaining par amount needed to fill the offering amount by the par amount of the bids recognized at the high yield or rate and rounding up to the next hundredth of a whole percentage point, for example, 17.13%.

* * * * *

6. Section 356.21 is amended by revising paragraph (a) and the second sentence of paragraph (b) to read as follows:

§ 356.21 Proration of awards.

(a) *Awards to submitters.* In auctions where bids at the highest accepted yield or discount rate are prorated under § 356.20(a)(2) of this part, the Federal Reserve Banks are responsible for prorating awards for submitters at the percentage announced by the Department. For example, if 80.15% is the announced percentage at the highest yield or discount rate, then each bid at that rate or yield shall be awarded 80.15% of the amount bid. Hence, a bid for $100,000,000 at the highest accepted yield or discount rate would be awarded $80,150,000. In all cases, awards will be for at least the minimum to hold, and awards must be in an appropriate multiple to hold. Awards at the highest accepted yield or rate are adjusted upwards, if necessary, to an appropriate multiple to hold. For example, Treasury bills may be issued with a minimum to hold of $1,000 and multiples of $1,000. Where an $18,000 bid is accepted at the high discount rate, and the percent awarded at the high discount rate is 88.27%, the award to that bidder will be $16,000, representing an upward adjustment from $15,888.60 ($18,000 × .8827) to an appropriate multiple to hold. If tenders at the

highest accepted discount rate are prorated at, for example, a rate of 4.65%, the award for a $10,000 bid will be $1,000, instead of $465, in order to meet the minimum to hold for a bill issue.

(b) *Awards to customers.* * * * For example, if 80.15% is the announced percentage at the highest yield or discount rate, then each customer bid at that rate or yield shall be awarded 80.15%. * * *

7. Section 356.22 is amended by revising paragraph (b) to read as follows:

§ 356.22 Limitation on auction awards.

* * * * *

(b) *Awards to competitive bidders.* The maximum award that will be made to any bidder is 35 percent of the offering amount less the bidder's net long position as reportable under § 356.13. For example, in a note auction with a $10 billion offering amount, a bidder with a reported net long position of $1 billion could receive a maximum auction award of $2.5 billion. When the bids and net long positions of more than one person or entity must be combined as required by § 356.15(c), such combined amount will be used for the purpose of this award limitation.

Dated: November 5, 2002.

Donald V. Hammond,

Fiscal Assistant Secretary.

[FR Doc. 02–28662 Filed 11–8–02; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD 01–02–027]

RIN 2115–AA98

Anchorage Grounds; Frenchman Bay, Bar Harbor, ME

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard hereby establishes two anchorage areas in Frenchman Bay near Bar Harbor, Maine. This action is necessary to provide designated anchorage grounds on Frenchman Bay allowing safe and secure anchorage for an increasing number of large passenger vessels calling on the Port of Bar Harbor. This action is intended to increase safety for vessels through enhanced voyage planning and also by clearly indicating the location of anchorage grounds for ships proceeding along the Frenchman Bay Recommended Route for Deep Draft vessels.

DATES: This rule is effective December 12, 2002.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD01–02–027 and are available for inspection or copying at First Coast Guard District, 408 Atlantic Ave., Boston, Massachusetts 02110 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. J.J. Mauro, Commander (oan), First Coast Guard District, 408 Atlantic Ave., Boston, MA 02110, Telephone (617) 223–8355, email: *jmauro@d1.uscg.mil.*

SUPPLEMENTARY INFORMATION:

Regulatory Information

On July 8, 2002, we published a notice of proposed rulemaking (NPRM) entitled Anchorage Grounds; Frenchman Bay, Bar Harbor, ME in the **Federal Register** (67 FR 45071). We received one letter commenting on the proposed rule. No public hearing was requested, and none was held.

Background and Purpose

In November 1999, the Maine Department of Transportation contracted with a local firm to produce a cruise ship traffic demand management study for the Town of Bar Harbor, Maine. One of the purposes was to develop a scheduling and reservation system for arriving cruise ships so that Town facilities would not be overburdened. The study included basic research into the history and outcomes of past cruise ship visits, observation of present cruise ship operations and anchorages. Based on the findings and recommendations of this study, the Penobscot Bay and River Pilots Association requested that the Coast Guard establish two federal anchorage grounds in Frenchman Bay near Bar Harbor, Maine.

Presently, there are no designated anchorage grounds in this area. However, large vessels calling on Bar Harbor have traditionally anchored both north and south of Bar Island. These new anchorage areas coincide with the traditional areas used for large ship anchorage. The size and shape of the anchorage areas are minimal and the purpose is to conform to the changing use of the harbor and to make best use of available water.

The Coast Guard has defined the anchorage areas contained herein with the advice and consent of the Army Corps of Engineers, New England District, located at 696 Virginia Rd., Concord, MA 01742.

This regulation does not intend to exclude fishing activity or the transit of vessels in the anchorage areas. The Coast Guard anticipates minimal transit interference through the proposed anchorages by way of increased vessel anchorage.

Discussion of Comments and Changes

We received one letter from the Army Corps of Engineers commenting on the proposed rule. They recommended that no seasonal mooring buoys be established in these anchorages. Their concerns were addressed in the NPRM. The final rule has not been changed from the NPRM language except to correct two typographical errors to the latitude and longitude as follows:

For Anchorage ''A'', 68°–11′–00″W is changed to read 68°–12′–00″W.

For Anchorage ''B'', 44°–23′–02″N is changed to read 44°–24′–02″N.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT)(44 FR 11040, February 26, 1979). We expect the economic impact of this proposed rule to be so minimal that a full regulatory evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary.

This conclusion is based upon the fact that there are no fees, permits, or specialized requirements for the maritime industry to utilize these anchorage areas. The regulation is solely for the purpose of advancing safety of maritime commerce.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have

a significant economic impact on a substantial number of small entities.

This rule will have minimal economic impact on vessels operated by small entities. This conclusion is based upon the fact that there are no restrictions for entry or use of the anchorage targeting small entities. This regulation creates only two new anchorage areas; it does not govern its usage.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact John J. Mauro at the address listed in **ADDRESSES** above.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble. This rule will not impose an unfunded mandate.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (34)(f), of Commandant Instruction M16475.lD, this rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

This rule creates two new anchorage areas to the east of Bar Harbor. These designated anchorages will enhance the safety in the waters of Frenchman Bay, Maine by relieving vessel congestion within the bay. Thus, these two designated anchorages will provide a safer approach for deep draft vessels.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

For the reasons set forth in the preamble, the Coast Guard amends 33 CFR part 110 as follows:

PART 110—ANCHORAGE REGULATIONS

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g).

§§ 110.130 through 110.134 [Redesignated]

2. Redesignate § 110.130 through § 110.134 as follows:

Old section	New section
§ 110.130	110.132
§ 110.131	110.133
§ 110.132	110.134
§ 110.133	110.136
§ 110.134	110.138

3. Add § 110.130 to part 110, subpart B, to read as follows:

§ 110.130 Bar Harbor, Maine.

(a) *Anchorage grounds.* (1) Anchorage ''A'' is that portion of Frenchman Bay, Bar Harbor, ME enclosed by a rhumb line connecting the following points:

Latitude	Longitude
44°23″43′ N	068°12″00′ W; thence to
44°23″52′ N	068°11″22′ W; thence to
44°23″23′ N	068°10″59′ W; thence to
44°23″05′ N	068°11″32′ W; returning to start.

(2) Anchorage ''B'' is that portion of Frenchman Bay, Bar Harbor, ME enclosed by a rhumb line connecting the following points:

Latitude	Longitude
44°24″33′ N	068°13″09′ W; thence to
44°24″42′ N	068°11″47′ W; thence to copied
44°24″11′ N	068°11″41′ W; thence to
44°24″02′ N	068°13″03′ W; returning to start.

(b) *Regulations.* (1) Anchorage A is a general anchorage ground reserved for passenger vessels, small commercial vessels and pleasure craft. Anchorage B is a general anchorage ground reserved primarily for passenger vessels 200 feet and greater.

(2) These anchorage grounds are authorized for use year round.

(3) Temporary floats or buoys for marking anchors will be allowed in all anchorage areas.

(4) Fixed moorings, piles or stakes are prohibited.

(5) Any vessels anchored in this area shall be capable of moving and when ordered to move by the Captain of the Port shall do so with reasonable promptness.

(6) The anchoring of vessels is under the coordination of the local Harbormaster.

Dated: October 29, 2002.

J.L. Grenier,

Captain, USCG, Acting District Commander, First Coast Guard District.

[FR Doc. 02–28681 Filed 11–8–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–02–036]

Drawbridge Operation Regulations; San Bernard River, Brazoria, Brazoria County, TX

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Union Pacific Railroad Swing Span Bridge across the San Bernard River, mile 20.7, at Brazoria, Brazoria County, TX. This deviation allows the bridge to remain closed to navigation from November 11, 2002, through November 14, 2002. The deviation is necessary to replace rail and signal components that affect the operation of the swing span.

DATES: This deviation is effective from 8 a.m. on November 11, 2002, until 8 p.m. on November 14, 2002.

ADDRESSES: Materials referred to in this document are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, room 1313, 501 Magazine Street, New Orleans, Louisiana 70130–3396 between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The Bridge Administration Branch of the Eighth Coast Guard District maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: Phil Johnson, Bridge Administration Branch, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION: The Union Pacific Railroad has requested a temporary deviation in order to replace the hydraulic rail locking mechanism and signal components that affect the opening and closing of the swing span bridge across the San Bernard River at mile 20.7 near Brazoria, Brazoria County, Texas. This maintenance is essential for the continued operation of the bridge. This temporary deviation will allow the bridge to remain in the closed-to-navigation position from 8 a.m. on Monday, November 11, 2002, until 8 p.m. on Thursday, November 14, 2002.

The swing span bridge has a vertical clearance of 2 feet above high water in the closed-to-navigation position. Navigation on the waterway consists primarily of small recreational vessels and tugs with tows transporting petroleum products. The bridge normally opens to pass navigation on an average of 3 times per day. In accordance with 33 CFR 117.984, the draw of the bridge opens on signal; except that, from 10 a.m. to 2 p.m. and 10 p.m. to 2 a.m. the draw shall open on signal if at least three hours notice is given. Through the month of November, the San Bernard River, at the site of the bridge, is expected to remain at a stage at which as much as 17 feet of vertical clearance will be available while the swing span is in the closed-to-navigation position. Thus, average recreational vessels, as well as petroleum barges, can pass under the bridge during the closure period. The Union Pacific Railroad contacted Phillips Petroleum Company, principal user of the waterway, and advised them of the closure. Phillips Petroleum Company has made plans to shuttle barges under the bridge while it remains in the closed-to-navigation position. The bridge will not be able to open for emergencies during the closure period. No alternate routes are available.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: November 1, 2002.

Roy J. Casto,

Rear Admiral, Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 02–28679 Filed 11–8–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–02–029]

RIN 2115–AE47

Drawbridge Operation Regulation; Milhomme Bayou, Stephensville, LA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is removing the existing drawbridge operation regulation for the draw of the St. Martin Parish Road pontoon bridge across Milhomme Bayou, mile 12.0 (Landside Route), at Stephensville, Louisiana. A replacement bridge has been constructed and the existing bridge is being removed. Since the bridge is being removed, the regulation controlling the opening and closing of the bridge is no longer necessary.

DATES: This rule is effective November 12, 2002.

ADDRESSES: Documents referred to in this rule are available for inspection or copying at Eighth Coast Guard District, Bridge Administration Branch, 501 Magazine Street, New Orleans, Louisiana 70130–3396, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589–2965. The Commander, Eighth Coast Guard District, Bridge Administration Branch maintains the public docket for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Mr. David Frank, Bridge Administration Branch, at (504) 589–2965.

SUPPLEMENTARY INFORMATION:

Good Cause for Not Publishing an NPRM

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds good cause exists for not publishing an NPRM. Public comment is not necessary since the purpose of the affected regulation is to control the opening and closing of a bridge that is no longer in service and is in the process of being completely removed.

Good Cause for Making Rule Effective in Less Than 30 Days

Under 5 U.S.C. 553(d)(3), the Coast Guard finds good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The bridge for which the

special operation regulation was created is no longer in service and the need for the regulation is no longer necessary.

Background and Purpose

A new bobtailed swing bridge across the Milhomme Bayou, mile 12.0 (Landside Route), at Stephensville, Louisiana was opened to traffic in August of 2002. The existing pontoon bridge which had previously serviced the area is in the process of being removed and no longer affects navigation. The regulation governing the operation of the pontoon bridge is found in 33 CFR 117.481. The purpose of this rule is to remove 33 CFR 117.481 from the Code of Federal Regulations since it governs a bridge that is no longer in service and is being removed.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

This rule removes a regulation that is being made obsolete by the removal of the bridge that it governs. Therefore, a cost/benefit analysis is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will have no impact on any small entities because the regulation being removed applies to a bridge that is being removed.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.lD, this rule is categorically excluded from further environmental documentation. This final rule only involves removal of the drawbridge operation regulation for a drawbridge that has been removed from service. It will not have any impact on the environment. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard is amending Part 117 of Title 33, Code of Federal Regulations as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of P. L. 102–587, 106 Stat. 5039.

§ 117.481 [Removed]

2. Section 117.481 is removed.

Dated: October 30, 2002.

J.R. Whitehead,

Captain, Coast Guard, Acting Commander, 8th Coast Guard District.

[FR Doc. 02–28678 Filed 11–8–02; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[PA181–4181a; FRL–7399–4

Approval and Promulgation of Air Quality Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Pennsylvania; Redesignation of the Allegheny County Carbon Monoxide Nonattainment Area and Approval of Miscellaneous Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve a request for Pennsylvania for redesignation of the carbon monoxide (CO) nonattainment area in Allegheny County, to attainment of the CO national ambient air quality standard (NAAQS). EPA is also approving the plan for maintaining the CO standard in Allegheny County, as well as the 1990 base year CO emissions inventory for Allegheny County. Pennsylvania's Redesignation Request and Maintenance Plan was submitted to EPA on August 17, 2001. The 1990 base year inventory was submitted to EPA on November 12, 1992, and revised by the August 17, 2001, submittal. EPA is approving the redesignation request, the maintenance plan and the emissions inventory in accordance with the requirements of the Clean Air Act.

DATES: This rule is effective on January 13, 2003, without further notice, unless EPA receives adverse written comment by December 12, 2002. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be mailed to David L. Arnold, Chief, Air Quality Planning and Information Services Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, 1301 Constitution Avenue, NW., Room B108, Washington, DC 20460; and Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Catherine L. Magliocchetti, (215) 814–2174, or by e-mail at *magliocchetti.catherine@epa.gov.*

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

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Introduction

Under the Clean Air Act (Act), EPA may redesignate areas to attainment if sufficient data are available to warrant such changes and the area meets the criteria contained in section 107(d)(3) of the Act. This includes full approval of a maintenance plan which meets the requirements of section 175A. On August 17, 2001, the Commonwealth of Pennsylvania submitted a redesignation request and section 175A maintenance plan for the Allegheny County CO nonattainment area. When approved, the section 175A maintenance plan will become a Federally enforceable part of the SIP for these areas.

On November 12, 1992, the Commonwealth of Pennsylvania submitted a 1990 Base Year Emissions Inventory for Allegheny County, including CO data. The August 17, 2001, submittal revised some of the figures in the 1990 Base Year Inventory.

The following is a detailed analysis of the Redesignation Request and section 175A Maintenance Plan SIP submittal.

I. When Was This Area Originally Designated Nonattainment for Carbon Monoxide?

EPA originally designated part of Allegheny County as a CO nonattainment area under section 107 of the Act on September 12, 1978 (43 FR 40513). The area defined as CO nonattainment included high traffic density areas within the Central Business District (CBD) and certain other high traffic density areas. In 1990, Congress amended the act (1990 Act) and added a provision which authorizes EPA to classify nonattainment areas according to the degree of severity of the nonattainment problem. In 1991, EPA designated and classified all areas. The CBD of the city of Pittsburgh in Allegheny County was designated as nonattainment and not classified for CO (40 CFR 81.339). The area was not classified because at the time of the designation and classification in 1991, air quality monitoring data recorded in the area did not show violations of the CO NAAQS. However, the Commonwealth had not completed a redesignation request showing that it had complied with all of the requirements of section 107 of the Act. As a result, EPA designated the area as nonattainment, but did not establish a nonattainment classification. The preamble to the **Federal Register** document for the 1991 designation contains more details on this action (56 FR 56694). Since the EPA's 1991 designation, monitors in the area have not recorded a violation of the CO NAAQS. As a result, the area is eligible for redesignation to attainment consistent with the 1990 Act. On August 17, 2001, Pennsylvania submitted a SIP revision to the EPA, containing a redesignation request, maintenance plan, and updates to the CO emissions inventory. The Commonwealth held public hearings on the SIP revision on March 16, 2001. Public comments were

not received on this proposed redesignation at the state level.

II. What Are the Geographic Boundaries of the CO Nonattainment Areas?

The CO nonattainment area in the Allegheny County was defined under 43 FR 40517 as ''the high traffic density areas within the Central Business District and certain other high traffic density areas.'' (In its SIP revision, the Commonwealth notes that ''the CBD is generally the downtown triangle bounded by the Allegheny River, the Monongahela River and I–579.'' Adding that the phrase ''other high traffic density areas,'' ''describes what is considered the Oakland neighborhood of Pittsburgh.'').

III. What Are the Criteria for Redesignation?

The 1990 Act revised section 107(d)(3)(E), which specifies five requirements that an area must meet to be redesignated from nonattainment to attainment.

These requirements are:

1. The area has attained the applicable NAAQS;
2. The area has a fully approved SIP under section 110(k) of the Act;
3. The air quality improvement is permanent and enforceable;
4. The area has a fully approved maintenance plan pursuant to section 175A of the Act; and
5. The area has met all relevant requirements under sect9ion 110 and part D of the Act.

IV. Has the State Met the Criteria for Redesignation?

The EPA has reviewed the Pennsylvania redesignation request for the Allegheny County area and finds that the requests meets the five requirements of section 107(d)(3)(E).

A. What Data Shows Attainment of the CO NAAQS in Allegheny County?

Pennsylvania has quality-assured CO ambient air monitoring data showing that Allegheny County has met the CO NAAQS. The request is based upon an analysis of quality-assured CO air monitoring data that is relevant to the maintenance plan and the redesignation request. To attain the CO NAAQS, an area must have complete quality-assured CO air monitoring data showing no more than one exceedance of the standard per year over at least three consecutive years.

Between 1988 and 1999, the Allegheny County Health Department continuously operated two monitors in the county, and one additional monitor from 1997. The design value for the latest two years of quality assured data (1998 and 1999) is 3.9 ppm, measured at the Forbes Avenue and Grant Street monitoring site in 1999. Air quality data for the three CO monitoring sites shows that from 1988 through 1999, there were no violations of the 8-hour CO NAAQS in the nonattainment area, the last violation have occurred in 1987. The 1-hour CO standard is also being met at these monitoring sites, the last violation having occurred in 1980. Additional historic data are included in the Commonwealth's request. Pennsylvania's request is based on an analysis of quality-assured CO air quality data. This data was compiled in an EPA-approved, quality assured, National Air Monitoring System monitoring network. As a result, the area meets the first statutory criterion for redesignation to attainment of the CO NAAQS.

The Commonwealth has committed to continue monitoring in these areas in accordance with 40 CFR part 58. As discussed further below, the design value for Allegheny County, 3.9 ppm, meets the test for the limited maintenance plan option since the design values are well below the 7.8 ppm level.

Since the area's 1990 design value for CO was 8.0 ppm, supplemental air quality modeling is not needed to support this request.[1]

B. Fully Approved SIP Under Section 110(k) of the Act?

i. Section 110 Requirements

Pennsylvania CO SIP was fully approved by EPA as meeting all the requirements of section 110(a)(2)(I) of the Act, including the requirements of part D (relating to nonattainment), which were due prior to the date of Pennsylvania's redesignation request. The 1982 CO SIP, except for the Inspection and Maintenance (I/M) portion was fully approved by EPA on February 26, 1985, 40 CFR 52.2020(c)(63), (50 FR 772). The I/M portion of the SIP was approved by EPA on April 8, 1987, at 40 CFR 52.2020(c)(66), (52 FR 11259), and revised to an enhanced program by EPA's approval on June 17, 1999, at 40 CFR 52.2020(c)(139), (64 FR 32411). The Clean Air Act Amendments of 1990 and part D also added emission reduction requirements for CO areas which were classified as moderate and serious nonattainment. Areas such as the portion of Allegheny County classified as nonattainment, not classified, did not have additional emission reduction requirements.

ii. Part D Requirements

Part D contains general provisions that apply to all nonattainment plans and certain sections that apply to specific pollutants. Before EPA may redesignate the Allegheny County CO nonattainment areas to attainment, the SIP must have fulfilled the applicable requirements of part D. Under part D, an area's classification indicates the requirements to which it is subject. Subpart 1 to part D sets forth the basic nonattainment requirements applicable to all nonattainment areas, classified as well as not classified. EPA designated the Allegheny County areas as a ''not classified'' CO nonattainment area on November 15, 1990, codified at 40 CFR 81.339. Therefore, to be redesignated to attainment, the Commonwealth must meet the applicable requirements of subpart 1 of part D—specifically sections 172(c) and 176. The subpart 3 requirements of part D do not apply to unclassified areas.

a. Subpart 1 of Part D—Section 172(c) Provisions

Subpart 1 of part D addresses nonattainment areas in general. Section 172(c) describes the nonattainment plan provisions specifically. The requirements of section 172(c)(1) are met by the CO SIP, approval dates as given above. The Federal requirements for new source review (NSR) in nonattainment area are contained in section 172(c)(5). EPA guidance indicates the requirements of part D NSR program will be replaced by the prevention of significant deterioration (PSD) program when an area has reached attainment and been redesignated, provided there are assurances that PSD will become fully effective immediately upon redesignation. To that end, Allegheny County has been delegated the Federal PSD program and has adopted the PSD requirements promulgated in 40 CFR 52.21, incorporating them by reference in its regulations as provided in article XXI, section 2102.07.

The remaining requirements under section 172(c), except for Conformity provisions discussed below, are not applicable, since attainment has already been measured, or will be satisfied as part of the maintenance plan included as part of the redesignation request.

[1] CO nonattainment areas with design value of 12.7 ppm or lower when the 1990 Act was passed, are not required to model attainment of the area on order to redesignate. (September 4, 1992, memorandum from John Calcagni, ''Procedures for Processing Requests to Redesignate Areas to Attainment.'')

b. Subpart 1 of Part D—Section 176 Conformity Provisions

Part D, section 176(c)(4)(C) requires each state to have submitted to EPA by November 15, 1992, a SIP revision establishing a conformity process. This date was extended to November 25, 1994, as EPA did not promulgate its conformity rule until November 15, 1993. The Commonwealth submitted its SIP revision on November 21, 1994, and EPA found it administratively and technically complete. However, due to continuing amendments to EPA rulemaking on state-specific revisions was deferred. In 1998, the Commonwealth submitted a updated Conformity SIP revision, however, EPA has placed rulemaking for this plan on hold, pending the results of legal action related to the new ozone and particulate matter standards. Since the Commonwealth has fulfilled its requirement to submit a Conformity SIP revision, and the delay on rulemaking is a result of EPA policy, EPA will not hold up approval of the CO redesignation due to lack of an approved Conformity SIP revision.

c. Subpart 3 Requirements

Section 1871 of the Act, ''Plan Submission and Requirements,'' which is a part of subpart 3, Additional Provisions for CO Nonattainment Areas, does not need to be satisfied for this redesignation request. Section 187 requirements do not apply to areas ''not classified'' for CO.

C. Improvement in Air Quality Due to Permanent and Enforceable Measures?

In order to redesignate an area, EPA must determine that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan and applicable Federal air pollutant control regulations and other permanent and enforceable reductions.

The Commonwealth's 1982 CO SIP for Southwestern PA, approved by EPA in 1985, identified Federal, state and local measures to bring the area into attainment. These measures are: the Federal Motor Vehicle Control Program, the Commonwealth's I/M program (since revised to an enhanced program), and other transportation control measures.

As discussed above, Allegheny County has measured attainment of the CO NAAQS since 1988, indicative of improvements due to permanent and enforceable measures contained in the 1982 CO SIP.

The Commonwealth has demonstrated that actual enforceable emission reductions are responsible for the air quality improvement and that the CO emissions in the base year are not artificially low due to local economic downturn. EPA finds that the combination of certain existing EPA-approved SIP and Federal measures contribute to the permanence and enforceability or reduction in ambient CO levels that have allowed the area to attain the NAAQS.

D. Fully Approved Maintenance Plan Under Section 175A?

Section 175A of the Act sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. The plan must demonstrate continued attainment of the applicable NAAQS for at least 10 years after the EPA approves a redesignation to attainment. Eight years after the redesignation, that State must submit a revised maintenance plan which demonstrates attainment for the 10 years following the initial 10-year period. To address potential future NAAQS violations, the maintenance plan must contain contingency measures, with a schedule for implementation adequate to assure prompt correction of any air quality problems.

Under section 175A(d) contingency provisions must include a requirement that the State will implement all control measures that were in the SIP prior to redesignation as an attainment area. In this section, EPA is approving the Allegheny County maintenance plan because EPA finds that submittal meets the requirements of section 175A. The details of the maintenance plan requirements and how the submittal meets these requirements are detailed below.

i. What Is the Limited Maintenance Plan Option?

The EPA issued guidance on October 6, 1995, titled ''Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas.'' This option is only available to CO nonattainment areas with design values at or below 7.65 ppm (85 percent of exceedance levels of the CO ambient air quality standard). The limited maintenance plan option allows areas that are well below the NAAQS ambient air quality standard to submit a less rigorous maintenance plan than was formerly required. The design value for CO in Allegheny County for the years 1998 and 1999 was 3.9 ppm, qualifying the area for use of a limited maintenance plan option.

The limited maintenance plan must meet certain core requirements. These requirements are:

a. The State must submit an attainment emissions inventory based on actual ''typical winter day'' emissions of CO in the monitored attainment years.

b. The maintenance demonstration does not need to project emissions over the maintenance period. The design value criteria are expected to provided adequate assurance of maintenance over the initial 10-year period.

c. The State must continue operating an approved air quality monitoring network.

d. The State must have a contingency plan and specific indicators or triggers for implementation of the contingency plan.

e. The conformity determination under a limited maintenance plan can consider the emissions budget as essentially not constraining for the length of the initial maintenance plan.

ii. How Has the State Met the Limited Maintenance Plan Requirements?

a. Emissions Inventory

EPA is approving the 1990 Base Year CO Emissions Inventory for CO, submitted to EPA in November 1992, and approving the ''typical winter day'' emissions for highway on-road sources in Allegheny County submitted to EPA on August 17, 2001, along with the redesignation request. The 1990 Base Year Inventory submittal contains the detailed inventory data and summaries by source category, prepared in accordance with EPA guidance. Table 1 summarizes the 1990 Base Year Inventory for the seven county Pittsburgh area Metropolitan Statistical Area.

TABLE 1.—CO 1990 BASE YEAR EMISSIONS IN TONS PER DAY

County	Point	Area	Off-road	Highway	Total
Allegheny	438	7	201	542	1188
Armstrong	6	4	10	24	44
Beaver	20	3	24	71	118

TABLE 1.—CO 1990 BASE YEAR EMISSIONS IN TONS PER DAY—Continued

County	Point	Area	Off-road	Highway	Total
Butler	230	9	26	69	334
Fayette	0	8	17	46	71
Washington	5	9	30	108	152
Westmoreland	26	2	68	170	266
MSA—Total	725	42	376	1030	2173

For purposes of demonstrating compliance with an attainment inventory, typical of a winter day (when CO concentrations are of concern), the Commonwealth prepared and submitted an updated CO emissions inventory for the highway source category in Allegheny County. The 1990 CO emissions inventory for highway, or on-road sources, was updated by Allegheny County and the Commonwealth for the CO redesignation request, using winter-time inputs in MOBILE 5b. This inventory identifies the level of emissions in the area sufficient to attain the NAAQS, since the 1990 design value was 8.1 ppm. The 1999 emissions inventory reflects the impact of the Federal Motor Vehicle Control Program Tier 1 standards, and Pennsylvania's Enhanced Inspection and Maintenance program. The Commonwealth and Allegheny County point out in their submittal that while CO emissions are also a result of point, area, and off-road sources, their submittal's attainment inventory only includes emissions from highway, on-road sources, since motor vehicles are the primary source of CO emissions in the nonattainment area, the Pittsburgh Central Business District. EPA concurs with this assessment of the inventory needs and is approving the typical winter day CO emissions inventory for highway sources as detailed in Table 2.

TABLE 2.—TYPICAL WINTER DAY CO EMISSIONS IN TONS PER DAY

Allegheny County inventory year	Highway
1990	1219
1999	625

As previously stated, Allegheny County has adequately demonstrated continued attainment of the CO NAAQS.

b. Projection of Emissions Over the Maintenance Period

In accordance with the limited maintenance plan option, Allegheny County is not required to project emissions over the maintenance period.

c. Verification of Continued Attainment

In the submittal the Commonwealth commits to continue to operate and maintain the network of ambient CO monitoring stations in accordance with provisions of 40 CFR parts 53 and 58 to demonstrate ongoing compliance with the CO NAAQS. The submittal presents the tracking plan for the maintenance period which consists of continued CO monitoring. The Commonwealth will continue to monitor CO levels in the Allegheny County Central Business District to demonstrate ongoing compliance with the CO NAAQS.

d. Contingency Plan

As required by section 175A of the Act, Pennsylvania has provided contingency measures with a schedule for implementation if a future CO air quality problem occurs. Contingency measures in the plan include restrictions on vehicle idling in the central business district during winter months (November through February), to be implemented within 12–15 months after a recorded violation of the CO standard.

e. Conformity Determinations

The limited maintenance plan option allows the Commonwealth to consider the emissions budget as essentially not constraining for the length of the initial maintenance plan.

iii. Commitment To Submit Subsequent Maintenance Plan Revisions

A new maintenance plan must be submitted to EPA within eight years of the redesignation of the nonattainment area, as required by section 175(A)(b). This subsequent maintenance plan must constitute a SIP revision and provide for the maintenance of the CO NAAQS for a period of 10 years after the expiration of the initial 10 year maintenance period.

E. How Does the State Meet the Applicable Requirements of Section 110 and Part D?

As noted above, because the area is a ''not classified'' nonattainment area, the 1990 Act did not establish additional requirements under subpart 3. Prior to the 1990 Amendments, EPA had fully approved the State's CO SIP. Since the area is not subject to the subpart 3 requirements, no additional requirements exist under section 110(k) which the State must address prior to redesignation.

V. Final Action

EPA is approving, the Allegheny County redesignation request for CO because the County and the Commonwealth have complied with the requirements of section 107(d)(3)(E) of the Act. In addition, EPA is approving the Allegheny County CO maintenance plans as a SIP revision meeting the requirements of section 175A.

EPA is publishing this action without prior proposal because EPA views this as a noncontroversial revision and anticipates no adverse comments. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on January 13, 2003, without further notice unless EPA receives adverse comment. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

VI. Administrative Requirements

A. General 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 (Pub. L. 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 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 VCSs. 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.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

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 January 13, 2003. 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, the redesignation of the Allegheny County CO nonattainment area to attainment and approval of the area's maintenance plan and the 1990 base year CO emissions inventory may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Reporting and Recordkeeping requirements.

40 CFR Part 81

Air Pollution control, National parks, Wilderness areas.

Dated: October 17, 2002.

Thomas C. Voltaggio,

Regional Administrator, Region III.

40 CFR parts 52 and 81 are amended as follows:

PART 52—[AMENDED]

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

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

Subpart NN–Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(183) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(183) The CO redesignation and maintenance plan for Southwestern Pennsylvania submitted by the Pennsylvania Department of Environmental Protection on August 17, 2001, as part of the Pennsylvania SIP. The 1990 base year CO emissions inventory was submitted by the Pennsylvania Department of Environmental Protection on November 12, 1992.

(i) Incorporation by reference.

(A) Letter of August 17, 2001, from the Pennsylvania Department of Environmental Protection transmitting a redesignation request and maintenance plan for the CO monoxide nonattainment area in Southwestern Pennsylvania.

(B) Maintenance Plan for the Southwestern Pennsylvania Carbon Monoxide nonattainment area, effective July 12, 2001.

(ii) Additional Material.—Remainder of the August 17, 2001 submittal pertaining to the revisions listed in paragraph (c)(183)(i) of this section.

* * * * *

3. Section 52.2036 is amended by adding paragraph (n) to read as follows:

§ 52.2036 1990 base year emissions inventory.

* * * * *

(n) EPA approves as a revision to the Pennsylvania SIP the 1990 base year CO emissions inventory for Southwestern Pennsylvania, including Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland counties, submitted by the Secretary of the Pennsylvania Department of Environmental Protection on November 12, 1992, and as revised on August 17, 2001. This submittal consists of the 1990 base year inventory for point, area, off-road, and highway emissions for these counties, for the pollutant CO.

PART 81—[AMENDED]

Subpart C—Section 107 Attainment Status Designations

1. The authority citation for part 81 continues to read as follows:

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

2. In § 81.339, the table for ''Pennsylvania—Carbon Monoxide'' is amended by revising the entry for the Pittsburgh Area to read as follows:

§ 81.339 Pennsylvania.

* * * * *

PENNSYLVANIA—CARBON MONOXIDE

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
* * * *	*	*	*	
Pittsburgh Area:				
Allegheny County (part) high traffic density areas within the Central Business District and certain other high traffic density areas.	1/13/02	Attainment.		
* * * *	*	*	*	

[1] This date is November 15, 1990, unless otherwise noted.

* * * * *

[FR Doc. 02–28495 Filed 11–8–02; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[FRL–7405–6]

RIN 2060–AJ87

National Emission Standard Benzene Waste Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule; amendments.

SUMMARY: This action amends the national emission standards for hazardous air pollutants (NESHAP) for benzene waste operations. The amendments add an exemption for organic vapors routed to the fuel gas system and a new compliance option for tanks, and clarify the standards for containers.

We are publishing the direct final rule without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comment. However, in the Proposed Rules section of this **Federal Register**, we are publishing a separate document that will serve as the proposal in the event that adverse comments are filed.

DATES: The amendments are effective on February 10, 2003 without further notice, unless significant, adverse comments are received by December 12, 2002, or by February 18, 2003 if a public hearing is requested. See the proposed rule in this issue of the **Federal Register** for information on the hearing. If EPA receives adverse comments, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: *Comments.* By U.S. Postal Service, send comments (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102T), Attention Docket No. A–2001–23, U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. In person or by courier, deliver comments (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102T), Attention Docket No. A–2001–23, Room B–108, U.S. EPA, 1301 Constitution Avenue, NW., Washington, DC 20460. We request that a separate copy of each public comment be sent to the EPA contact person listed below (see **FOR FURTHER INFORMATION CONTACT**). *Docket.* Docket No. A–2001–23 contains supporting information used in developing the amendments. The docket is located at the U.S. EPA, 1301 Constitution Avenue, NW., Washington, DC 20460 in room B–108, and may be inspected from 8:30 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Robert B. Lucas, Waste and Chemical Process Group (C439–03), Emission Standards Division, Office of Air Quality Planning and Standards, U.S. EPA, Research Triangle Park, North Caroline 27711, telephone number (919) 541–0884, electronic mail address, lucas.bob@epa.gov.

SUPPLEMENTARY INFORMATION: For information concerning applicability and rule determinations, contact the appropriate regional representative:

U.S. EPA New England, Director, Air Compliance Programs, 1 Congress Street, Suite 1100 (SEA), Boston, MA 02114–2023. *Phone:* (617) 918–1656, *Fax:* (617) 918–1112.

U.S. EPA—Region II, Air Compliance Branch, 290 Broadway, New York, NY 10007–1866, *Phone:* (212) 637–3000, *Fax:* (212) 637–3526.

U.S. EPA—Region III, Chief, Air Enforcement Branch (3AP12), 1650 Arch Street, Philadelphia, PA 19103–2029, *Phone:* (215) 814–3438, *Fax:* (215) 814–2134, Region III Office Web site: *www.epa.gov/reg3artd/hazpollut/hazairpol.htm.*

U.S. EPA—Region IV, Air and Radiation Technology Branch, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, GA 30303–3104, *Phone:* (404) 562–9105, *Fax:* (404) 562–9095.

U.S. EPA—Region V, Air Enforcement and Compliance Assurance Branch (AE17J), 77 West Jackson Boulevard, Chicago, IL 60604–3590, *Phone:* (312) 353–2088, *Fax:* (312) 353–8289.

U.S. EPA—Region VI, Chief, Toxics Enforcement Section (∧EN–AT), 1445 Ross Avenue, Dallas, TX 75202–2733, *Phone:* (214) 665–7224, *Fax:* (214) 665–2146, Region VI Office Web site: www.epa.gov/region6.

U.S. EPA Region VII, Bill Peterson, 726 Minnesota Avenue, Kansas City, KS 66101, *Phone:* (913) 551–7881, *Fax:* (913) 551–7467.

U.S. EPA—Region VIII, MACT Enforcement, 999 18th Street, Suite 500, Denver, Colorado 80202, *Phone:* (303) 312–6312, Fax: (303) 312–6409.

U.S. EPA—Region IX, Air Division, 75 Hawthorne Street, San Francisco, CA 94105, *Phone:* (415) 744–1219, *Fax:* (415) 744–1076.

U.S. EPA—Region X, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101, *Phone:* (206) 553–4273, *Fax:* (206) 553–0110.

Comments. All public comments will be addressed in a subsequent final rule based on the proposed amendments. If we receive any significant adverse comments, we will publish a timely withdrawal in the **Federal Register** before the effective date of the amendments. If an adverse comment

applies to a specific amendment, and that provision can be addressed separately from the remainder of the direct final rule, we will withdraw only that provision on which we received adverse comments. In the Proposed Rules section of today's **Federal Register**, we are publishing a separate action that will serve as the proposal for any provisions in the direct final rule if we receive adverse comments. If all or part of the direct final rule is withdrawn, all public comments received will be addressed in a subsequent final rule based on the proposal. We will not institute a second comment period on the subsequent final rule. If you are interested in commenting, you must do so at this time.

Comments and data may be submitted by electronic mail (e-mail) to ''*a-and-r-docket@epa.gov*''. Electronic comments must be submitted as an ASCII file to avoid the use of special characters and encryption problems. Comments will also be accepted on disks in WordPerfect® file format. All comments and data submitted in electronic form must note the docket number: A–2001–23. No confidential business information (CBI) should be submitted by e-mail. Electronic comments may be filed online at many Federal Depository libraries.

Commenters wishing to submit proprietary information for consideration must clearly distinguish such information from other comments and label it as CBI. Send submissions containing such proprietary information directly to the following address, and not to the public docket, to ensure that proprietary information is not inadvertently placed in the docket: *Attention:* Mr. Robert Lucas, c/o OAQPS Document Control Officer (C404–02), U.S. EPA, Research Triangle Park, NC 27711.

The EPA will disclose information identified as CBI only to the extent allowed by the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies a submission when it is received by EPA, the information may be made available, without further notice, to the public.

Docket. The docket is an organized and complete file of all the information considered by EPA in the development of the amendments. The docket is a dynamic file because information is added throughout the rulemaking process. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so they can effectively participate in the rulemaking process. Along with the proposed and promulgated standards and their preambles, the contents of the docket will serve as the record in the case of judicial review. (See section 307(d)(7)(A) of the Clean Air Act (CAA).) The regulatory text and other materials related to the direct final rule are available for review in the docket or copies may be mailed on request from the Air Docket by calling (202) 260–7548. A reasonable fee may be charged for copying docket materials.

Worldwide Web (WWW). In addition to being available in the docket, an electronic copy of today's direct final rule will also be available on the WWW through the Technology Transfer Network (TTN). Following signature, a copy of the direct final rule will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules at *http://www.epa.gov/ttn/oarpg.* The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541–5384.

Regulated Entities. Categories and entities potentially regulated by this action include:

Category	SIC code	NAIC	Examples of regulated entities
Industry	2800's 2911 3312 4925 4953 9511	32512–325182 32411 331111 22121 562211 324110	Chemical manufacturing plants, petroleum refineries, coke by-product recovery plants, and commercial hazardous waste treatment, storage, and disposal facilities that manage waste generated by these industries.
Federal government			Not affected.
State/local/tribal government			Not affected.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by the direct final rule. To determine whether your facility is regulated by the direct final rule, you should examine the applicability criteria in 40 CFR 61.340 of the NESHAP for benzene waste operations. If you have any questions regarding the applicability of this action to a particular entity, consult the appropriate person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Judicial Review. Under section 307(b)(1) of the CAA, judicial review of the direct final rule is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia by January 13, 2002. Under section 307(d)(7)(B) of the CAA, only an objection to the direct final rule raised with reasonable specificity during the period for public comment can be raised during judicial review. Moreover, section 307(b)(2) of the CAA, the requirements that are the subject of the direct final rule may not be challenged later in civil or criminal proceedings brought by the EPA to enforce the requirements.

Outline. The information in this preamble is organized as follows:

I. Background
II. Why Are We Publishing the Amendments as a Direct Final Rule?
III. How Are We Changing the Applicability of the Final Rule?
IV. What Is the New Compliance Option for Tanks?
V. How Are We Clarifying the Standards for Containers?
VI. How Do I Demonstrate Initial and Continuous Compliance?
VII. What Are the Administrative Requirements?
A. Executive Order 12866, Regulatory Planning and Review
B. Executive Order 13132, Federalism
C. Executive Order 13175, Consultation and Coordination with Indian Tribal Governments
D. Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks
E. Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use
F. Unfunded Mandates Reform Act of 1995
G. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 *et seq.*
H. Paperwork Reduction Act
I. National Technology Transfer and Advancement Act of 1995
J. Congressional Review Act

I. Background

The NESHAP for benzene waste operations (40 CFR part 61, subpart FF) applies to equipment and processes at certain chemical manufacturing plants, coke by-product recovery plants, petroleum refineries, and facilities that treat, store, or dispose of waste generated by those industries. In today's direct final rule, we are adding a new compliance option for tanks adopted from similar standards established under the Resource Conservation and Recovery Act (RCRA) for hazardous waste treatment, storage, and disposal facilities (40 CFR parts 264 and 265, subpart CC). The change was first suggested by a company subject to both the benzene waste NESHAP and the RCRA subpart CC final rules.

The new compliance option allows tanks to be located inside a permanent total enclosure that routes organic vapors through a closed-vent system to an enclosed combustion control device. The requirements for the permanent total enclosure are the same as the Tank Level 2 control requirements in 40 CFR 264.1084(i) and 40 CFR 265.1085(i) of the RCRA final rules. The closed-vent system and control device must meet the design and operational standards in the existing NESHAP. Adding that option reduces regulatory burden by allowing companies to use one set of equipment to comply with both waste final rules.

We are also amending the benzene waste NESHAP requirements for containers to clarify when covers are or are not required. That change is being made to improve understanding of the existing requirements within the regulated community. The amendment specifies requirements for use of a permanent total enclosure with a closed-vent system that routes organic vapors to a control device; the requirements for a permanent total enclosure are the same as for tanks.

In the third change, we are amending the benzene waste NESHAP in response to a request from a petroleum refinery subject to the benzene waste NESHAP. That facility has requested that the benzene waste NESHAP exempt organic vapors from a waste management unit, treatment process, or wastewater treatment system that are routed to a fuel gas system. That exemption is already included in the air standards for petroleum refineries in 40 CFR part 63, subpart CC. With that change, any facility subject to the benzene waste NESHAP can save energy and costs by routing gases to the fuel gas system to recover the heating value of the waste stream. The same definition of ''fuel gas system'' in the petroleum refinery final rule is added to the benzene waste NESHAP for consistency.

II. Why Are We Publishing the Amendments as a Direct Final Rule?

We are publishing the amendments without prior proposal because we view the changes as noncontroversial and anticipate no adverse comment. The amendments to the benzene waste NESHAP increase flexibility by adding new compliance options and clarifying existing requirements. The amendments do not alter the stringency of the benzene waste NESHAP, have no adverse health or environmental impacts, and will reduce costs. For those reasons, we view the amendments as noncontroversial, anticipate no adverse comments, and are publishing the amendments as a direct final rule.

The nature of the changes contained in the direct final rule are such that it will benefit both industry and the States for the changes to become effective sooner, rather than later.

III. How Are We Changing the Applicability of the Final Rule?

The existing NESHAP for benzene waste operations require that organic vapors be routed to a control device that meets the applicable design and operation requirements in 40 CFR 61.349. Provisions are included for enclosed combustion devices (*e.g.*, vapor incinerator, boiler, or process heater) and vapor recovery systems (carbon canister, condenser).

We are adding an exemption to 40 CFR 61.340 of the NESHAP for gaseous waste streams from a waste management unit, treatment process, or wastewater treatment system that are routed to a fuel gas system. With the exemption, a facility can route the waste gas stream to the fuel gas system to reuse the gases as fuel for heaters, furnaces, boilers, incinerators, gas turbines, or other combustion devices. Because the gas stream goes into the general fuel gas system where it mixes with other fuel gases, it is not possible to specify which particular combustion device ultimately receives the waste stream gases. For that reason, the exemption allows the use of any control device (enclosed combustion unit) connected to the fuel gas system, and does not require the owner or operator to specify a specific control device. A similar exemption is included in the existing NESHAP for petroleum refineries (40 CFR part 63, subpart CC).

Including the exemption eliminates conflicting regulatory requirements, reduces energy needs, and saves costs. The exemption already contained in the petroleum refinery NESHAP implements the current technology-based requirements of section 112 of the CAA. We have determined that the exemption also satisfies the risk-based requirements of the benzene waste NESHAP since no increase in air emissions (or associated health risk) will result. Air emissions are not increased because the gases are ultimately burned in enclosed combustion devices within the facility that typically have high combustion efficiencies for organic HAP. Additional information is available in Docket A–2001–23.

IV. What Is The New Compliance Option for Tanks?

Currently, 40 CFR 63.343 of the benzene waste NESHAP requires a fixed-roof and closed-vent system that routes all organic vapors from the tank to a control device. In certain cases, only a fixed-roof is required for tanks with low-volatility waste.

The new control option allows tanks to be located inside a permanent total enclosure with a closed-vent system that routes organic vapors to an enclosed combustion control device. The requirements for that option are the same as Tank Level 2 control requirements in 40 CFR 264.1084(i) and 40 CFR 265.1085(i) of the subpart CC rules and include:

- Locating the tank inside an enclosure designed and operated to meet the criteria for a permanent total enclosure in ''Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure'' in 40 CFR 52.741, appendix B. Provisions are included for permanent or temporary openings in the enclosure to allow for access and other needs.
- Routing emissions from the total enclosure through a closed-vent system to an enclosed combustion control device. The combustion control device must be designed and operated to meet the standards for a vapor incinerator, boiler, or process heater in 40 CFR 63.349(a)(2)(i) of subpart FF.

The Tank Level 2 requirements implement RCRA provisions (42 U.S.C. 6924(n)) which require health-based rules sufficient to protect human health and the environment from air emissions from hazardous waste. We have determined that those provisions also satisfy the statutory risk-based requirements of the benzene waste NESHAP.

The Tank Level 2 requirements result in an overall HAP control efficiency equivalent to the existing control requirements in the benzene waste NESHAP. That is because the overall

control efficiency for a fixed roof tank is determined by the efficiency of the control device. The overall control efficiency for a control system with a permanent total enclosure is the product of the enclosure capture efficiency times the efficiency of the control device. The capture efficiency of a permanent total enclosure that meets the Procedure T criteria in 40 CFR 52.741, appendix B is considered to be 100 percent. The enclosed combustion control devices required by the new option are the same combustion control devices required by the existing benzene waste NESHAP (vapor incinerator, boiler, or process heater). The option also requires that the control devices be designed and operated according to the benzene waste NESHAP requirements. Thus, the overall control efficiency achieved under the new option is equivalent to the control efficiency achieved under the existing benzene waste NESHAP. Additional information on our determination is available in Docket A–2001–23.

The subpart CC rules allow for safety devices to be added to enclosures and for venting emissions through the safety devices in the event of an emergency. Today's amendments contain the same, needed provisions, along with a definition of ''safety device.'' Briefly, a safety device is a pressure relief valve, frangible disc, fusible plug, or other type of device that opens only to prevent damage during an unplanned, accidental, or emergency event by venting gases to the atmosphere. Safety devices may be put on any enclosure or control device as needed.

V. How Are We Clarifying the Standards for Containers?

We are revising the language in 40 CFR 61.345 of the benzene waste NESHAP to clarify when a total enclosure is and is not required and what requirements must be met for total enclosures. There are two ways to control emissions from containers: (1) Vent emissions from a covered or closed container directly to a control device, or (2) vent the container inside a permanent total enclosure with a closed-vent system that routes organic vapors to a control device. To further clarify the requirements, we have added the same provisions for permanent total enclosures as described for tanks. Those requirements are also the same as the Container Level 3 controls in 40 CFR 264.1086(e) and 40 CFR 265.1087(e) of the RCRA air rules. Like tanks, we have determined that the HAP control efficiency is equivalent to that achieved by a closed container vented to a control device and that the provisions satisfy the statutory risk-based requirements for that final rule. (See Docket A–2001–23.)

VI. How Do I Demonstrate Initial and Continuous Compliance?

The requirements for demonstrating initial and continuous compliance with the requirements for tanks or containers in a total enclosure are the same as those required in the RCRA rules for hazardous waste treatment, storage, and disposal facilities (40 CFR parts 264 and 265, subpart CC). When the enclosure is first installed, you must verify that the enclosure meets the criteria for a permanent total enclosure according to the requirements in section 5 of ''Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure'' in 40 CFR 52.741, appendix B. To demonstrate continuous compliance, you must repeat the verification procedure annually and keep records of the most recent set of calculations and measurements performed to verify that the enclosure meets the criteria in Procedure T, in addition to records required for a closed-vent system and control device. A new paragraph is added to 40 CFR 61.356 of the benzene waste NESHAP to differentiate the recordkeeping requirements for total enclosures from those associated with the inspection requirements for covers, closed-vent systems, and control devices.

To eliminate regulatory overlap, we have added a provision stating that demonstration of compliance with the RCRA subpart CC rules also demonstrates compliance with the requirements of the benzene waste NESHAP. That means that no demonstration of initial compliance is required by the NESHAP for a tank located inside a total enclosure if the facility has demonstrated initial compliance with the Tank Level 2 control requirements in 40 CFR 264.1084(i) or 40 CFR 265.1085(i). That provision also applies to a container located inside a total enclosure if the facility has demonstrated initial compliance with the Container Level 3 control requirements in 40 CFR 264.1086(e) or 40 CFR 265.1087(e). The same is true for demonstrating continuous compliance by conducting annual verifications and keeping records of the information required by 40 CFR 264.1089(d) or 40 CFR 264.1090(d). The NESHAP require that records used for RCRA compliance purposes be made available for inspection upon request.

VII. What Are the Administrative Requirements?

A. Executive Order 12866, Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993) the EPA must determine whether the regulatory action is ''significant'' and, therefore, subject to review by the Office of Management and Budget (OMB) and 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 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.

Pursuant to the terms of Executive Order 12866, we have determined that today's amendments do not constitute a ''significant regulatory action'' because they do not meet any of the above criteria. The revisions are primarily technical actions with no significant policy issues, are based on established criteria included in other EPA rules, and employ accepted scientific methods. Amending the benzene waste NESHAP increases flexibility, improves understanding of the existing requirements, makes the benzene waste NESHAP consistent with the RCRA air rules for waste management, reduce costs, and have no environmental impacts. Consequently, the action was not submitted to OMB for review under Executive Order 12866.

B. Executive Order 13132, Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and

the States, or on the distribution of power and responsibilities among the various levels of government.''

The direct final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. None of the affected facilities are owned or operated by State governments. Thus, the requirements of section 6 of the Executive Order do not apply to the direct final rule.

C. Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.''

The rule amendments do not have tribal implications. They will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. No tribal governments own facilities subject to the benzene waste NESHAP. Thus, Executive Order 13175 does not apply to the direct final rule amendments.

D. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be ''economically significant,'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the EPA must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the EPA.

The direct final rule is not subject to Executive Order 13045 because it is not an economically significant regulatory action as defined by Executive Order 12866. The EPA interprets Executive Order 13045 as applying only to regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. The NESHAP for benzene waste operations is based on protection of the public health with an ample margin of safety. However, the amendments to the benzene waste NESHAP have no effect on the level of emissions from benzene waste operations or associated risk and are not subject to Executive Order 13045.

E. Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

The direct final rule is not subject to Executive Order 13211, (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

F. Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any 1 year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires the EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least-burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows the EPA to adopt an alternative other than the least-costly, most cost-effective, or least-burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before the EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that the amendments do not contain a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector in any 1 year. No costs are attributable to the amendments. In addition, the direct final rule does not significantly or uniquely impact small governments because it contains no requirements that apply to such governments or impose obligations upon them. Thus, the requirements of the UMRA do not apply to the direct final rule.

G. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the Agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's final rule on small entities, small entity is defined as: (1) A small business according to the Small Business Administration (SBA) size standards by NAICS code; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

The EPA determined that it is not necessary to prepare a regulatory flexibility analysis in connection with these final amendments. The EPA also determined that the amendments will not impose a significant economic impact on a substantial number of small

entities. The amendments impose no additional requirements on new or existing regulated facilities. In addition, by allowing the use of existing equipment under new alternative compliance options, these amendments decrease the compliance costs and reduce capital and operating costs for a few facilities. Therefore, pursuant to the provisions of 5 U.S.C. 605(b), I certify that this action will not have a significant economic impact on a substantial number of small entities.

H. Paperwork Reduction Act

The OMB approved the information collection requirements in the 1990 NESHAP for benzene waste operations under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and assigned OMB control number No. 2060–0183. A copy of the information collection request (ICR) document for the 1990 NESHAP for benzene waste operations (ICR No. 1541.06) may be obtained from Susan Auby by mail at U.S EPA, Office of Environmental Information, Collection Strategies Division (2822T), 1200 Pennsylvania Avenue, NW., Washington, DC 20460, by e-mail at *auby.susan@epa.gov,* or by calling (202) 566–1672.

The amendments require facilities using total enclosures for tanks or containers to verify the integrity of the enclosure initially, when first installed, and annually thereafter. The amendments also require facilities to keep records of the most recent set of calculations and measurements performed to verify that the total enclosure meets the specified criteria. The requirements are identical to other EPA air rules for waste management in 40 CFR parts 264 and 265, subpart CC. A facility that is already meeting the subpart CC requirements is not required to make duplicate verifications or keep duplicate records, but must make the subpart CC records available for inspection upon request. The recordkeeping requirements, which are needed to determine compliance, are specifically authorized under section 114 of the CAA (42 U.S.C. 7414). The information collection requirements in the direct final rule will have no net impact on the information collection burden estimates included in the ICR for the 1990 benzene waste NESHAP, because the only facility with a total enclosure is already conducting annual verifications and keeping the prescribed records. Consequently, the ICR has not been revised.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to respond to a collection of information; search existing data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

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 number for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

I. National Technology Transfer and Advancement Act of 1995

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113 (March 7, 1996)(15 U.S.C. 272 note), directs EPA to use voluntary consensus standards (VCS) in their regulatory and procurement activities unless to do so would be inconsistent with applicable law or otherwise impracticable. Voluntary consensus standards are technical standards (*e.g.*, material specifications, test methods, sampling and analytical procedures, business practices, etc.) developed or adopted by one or more voluntary consensus bodies. The NTTAA directs EPA to provide Congress, through annual reports to OMB, with explanations when EPA does not use available and applicable VCS.

The direct final rule requires the use of ''Procedure T-Criteria for and Verification of a Permanent or Temporary Total Enclosure'' in 40 CFR 52.741, appendix B. That procedure uses established and commonly-accepted techniques and calculations to confirm the efficiency of the enclosure. The procedure is required for all State implementation plans and in other EPA rules. We have not been able to identify any applicable VCS. Accordingly, the NTTAA requirement does not apply to the direct final rule. Nevertheless, as provided by the NESHAP General Provisions in 40 CFR part 61, subpart A, any State or facility may apply to EPA for permission to use an alternative method.

J. Congressional Review Act

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. The EPA will submit a report containing the direct final rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the direct final rule in the **Federal Register**. The direct final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2). The direct final rule will be effective on February 10, 2002.

List of Subjects in 40 CFR Part 61

Environmental protection, Administrative practice and procedures, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: November 1, 2002.

Christine Todd Whitman,

Administrator.

For the reasons stated in the preamble, title 40, chapter I, part 61 of the Code of Federal Regulations is amended as follows:

PART 61—[AMENDED]

1. The authority citation for part 61 continues to read as follows:

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

Subpart FF—[AMENDED]

2. Section 61.340 is amended by adding paragraph (d) to read as follows:

§ 61.340 Applicability.

* * * * *

(d) At each facility identified in paragraph (a) or (b) of this section, any gaseous stream from a waste management unit, treatment process, or wastewater treatment system routed to a fuel gas system, as defined in § 61.341, is exempt from this subpart. No testing, monitoring, recordkeeping, or reporting is required under this subpart for any gaseous stream from a waste management unit, treatment process, or wastewater treatment unit routed to a fuel gas system.

3. Section 61.341 is amended by adding new definitions in alphabetical order for the terms ''Fuel gas system'' and ''Safety device'' to read as follows:

§ 61.341 Definitions.

* * * * *

Fuel gas system means the offsite and onsite piping and control system that gathers gaseous streams generated by facility operations, may blend them with sources of gas, if available, and

transports the blended gaseous fuel at suitable pressures for use as fuel in heaters, furnaces, boilers, incinerators, gas turbines, and other combustion devices located within or outside the facility. The fuel is piped directly to each individual combustion device, and the system typically operates at pressures over atmospheric.

* * * * *

Safety device means a closure device such as a pressure relief valve, frangible disc, fusible plug, or any other type of device which functions exclusively to prevent physical damage or permanent deformation to a unit or its air emission control equipment by venting gases or vapors directly to the atmosphere during unsafe conditions resulting from an unplanned, accidental, or emergency event. For the purpose of this subpart, a safety device is not used for routine venting of gases or vapors from the vapor headspace underneath a cover such as during filling of the unit or to adjust the pressure in this vapor headspace in response to normal daily diurnal ambient temperature fluctuations. A safety device is designed to remain in a closed position during normal operations and open only when the internal pressure, or another relevant parameter, exceeds the device threshold setting applicable to the air emission control equipment as determined by the owner or operator based on manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials.

* * * * *

4. Section 61.343 is amended by:

a. Revising paragraph (a) introductory text;

b. Adding paragraph (a)(2); and

c. Adding paragraph (e).

The revision and additions read as follows:

§ 61.343 Standards: Tanks.

(a) Except as provided in paragraph (b) of this section and in § 61.351, the owner or operator must meet the standards in paragraph (a)(1) or (2) of this section for each tank in which the waste stream is placed in accordance with § 61.342 (c)(1)(ii). The standards in this section apply to the treatment and storage of the waste stream in a tank, including dewatering.

(1) * * *

(2) The owner or operator must install, operate, and maintain an enclosure and closed-vent system that routes all organic vapors vented from the tank, located inside the enclosure, to an enclosed combustion control device in accordance with the requirements specified in paragraph (e) of this section.

* * * * *

(e) Each owner or operator who controls air pollutant emissions by using an enclosure vented through a closed-vent system to an enclosed combustion control device must meet the requirements specified in paragraphs (e)(1) through (4) of this section.

(1) The tank must be located inside a total enclosure. The enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure as specified in ''Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure'' in 40 CFR 52.741, appendix B. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator must perform the verification procedure for the enclosure as specified in section 5.0 of Procedure T initially when the enclosure is first installed and, thereafter, annually. A facility that has conducted an initial compliance demonstration and that performs annual compliance demonstrations in accordance with the requirements for Tank Level 2 control requirements 40 CFR 264.1084(i) or 40 CFR 265(i) is not required to make repeat demonstrations of initial and continuous compliance for the purposes of this subpart.

(2) The enclosure must be vented through a closed-vent system to an enclosed combustion control device that is designed and operated in accordance with the standards for either a vapor incinerator, boiler, or process heater specified in § 61.349.

(3) Safety devices, as defined in this subpart, may be installed and operated as necessary on any enclosure, closed-vent system, or control device used to comply with the requirements of paragraphs (e)(1) and (2) of this section.

(4) The closed-vent system must be designed and operated in accordance with the requirements of § 61.349.

5. Section 61.345 is amended by revising paragraph (a)(3) to read as follows:

§ 61.345 Standards: containers.

(a) * * *

(3) Treatment of a waste in a container, including aeration, thermal or other treatment, must be performed by the owner or operator in a manner such that while the waste is being treated the container meets the standards specified in paragraphs (a)(3)(i) through (iii) of this section, except for covers and closed-vent systems that meet the requirements in paragraph (a)(4) of this section.

(i) The owner or operator must either:

(A) Vent the container inside a total enclosure which is exhausted through a closed-vent system to a control device in accordance with the requirements of paragraphs (a)(3)(ii)(A) and (B) of this section; or

(B) Vent the covered or closed container directly through a closed-vent system to a control device in accordance with the requirements of paragraphs (a)(3)(ii)(B) and (C) of this section.

(ii) The owner or operator must meet the following requirements, as applicable to the type of air emission control equipment selected by the owner or operator:

(A) The total enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure as specified in section 5 of the ''Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure'' in 40 CFR 52.741, appendix B. The enclosure may have permanent or temporary openings to allow worker access; passage of containers through the enclosure by conveyor or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator must perform the verification procedure for the enclosure as specified in section 5.0 of ''Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure'' initially when the enclosure is first installed and, thereafter, annually. A facility that has conducted an initial compliance demonstration and that performs annual compliance demonstrations in accordance with the Container Level 3 control requirements in 40 CFR 264.1086(e)(2)(i) or 40 CFR 265.1086(e)(2)(i) is not required to make repeat demonstrations of initial and continuous compliance for the purposes of this subpart.

(B) The closed-vent system and control device must be designed and operated in accordance with the requirements of § 61.349.

(C) For a container cover, the cover and all openings (*e.g.*, doors, hatches) must be designed to operate with no detectable emissions as indicated by an instrument reading of less than 500 ppmv above background, initially and

thereafter at least once per year by the methods specified in § 61.355(h).

(iii) Safety devices, as defined in this subpart, may be installed and operated as necessary on any container, enclosure, closed-vent system, or control device used to comply with the requirements of paragraph (e)(1) of this section.

* * * * *

6. Section 61.356 is amended by adding paragraph (n) to read as follows:

§ 61.356 Recordkeeping requirements.

* * * * *

(n) Each owner or operator using a total enclosure to comply with control requirements for tanks in § 61.343 or the control requirements for containers in § 61.345 must keep the records required in paragraphs (n)(1) and (2) of this section. Owners or operators may use records as required in 40 CFR 264.1089(b)(2)(iv) or 40 CFR 265.1090(b)(2)(iv) for a tank or as required in 40 CFR 264.1089(d)(1) or 40 CFR 265.1090(d)(1) for a container to meet the recordkeeping requirement in paragraph (n)(1) of this section. The owner or operator must make the records of each verification of a total enclosure available for inspection upon request.

(1) Records of the most recent set of calculations and measurements performed to verify that the enclosure meets the criteria of a permanent total enclosure as specified in ''Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure'' in 40 CFR 52.741, appendix B;

(2) Records required for a closed-vent system and control device according to the requirements in paragraphs (d) (f), and (j) of this section.

* * * * *

[FR Doc. 02–28499 Filed 11–8–02; 8:45 am]

BILLING CODE 6560–50–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1808 and 1851

RIN 2700–AC33

Authorization of Contractor Use of Interagency Fleet Management System (IFMS) Vehicles

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This final rule revises the NASA FAR Supplement (NFS) by requiring an internal Agency clearance before authorizing contractors' use of interagency fleet management system (IFMS) vehicles. This final rule also makes editorial changes to conform section numbering as a result of Federal Acquisition Circular (FAC) 01–09.

EFFECTIVE DATE: November 12, 2002.

FOR FURTHER INFORMATION CONTACT: Patrick Flynn, NASA, Office of Procurement, Contract Management Division (Code HK); (202) 358-0460; e-mail: *patrick.flynn@hq.nasa.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

Executive Order 13149, ''Greening the Government through Federal Fleet and Transportation Efficiency'' requires, *inter alia,* that each agency operating 20 or more motor vehicles within the United States reduce its entire vehicle fleet's annual petroleum consumption by at least 20 percent by the end of FY 2005, compared with FY 1999 petroleum consumption levels. In order to achieve this goal, more centralized management and reporting is required. This change requires concurrence by installation transportation officers prior to contracting officer authorization of contractor requests to obtain IFMS vehicles. This change will assure transportation management participation in the contract authorization process. Additionally, this final rule revises section designations within part 1808 as a result of changes made by FAC 01–09.

This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This final rule in not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Pub. L. 98–577, and publication for public comment is not required. However, NASA will consider comments from small entities concerning the affected NFS parts 1808 and 1851 in accordance with 5 U.S.C. 610.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes do not impose recordkeeping or information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 1808 and 1851

Government procurement.

Tom Luedtke,

Assistant Administrator for Procurement.

Accordingly, 48 CFR Parts 1808 and 1851 are amended as follows:

1. The authority citation for 48 CFR parts 1808 and 1851 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1)

PART 1808—REQUIRED SOURCES OF SUPPLIES AND SERVICES

2. Section 1808.002 is redesignated as section 1808.003.

3. Section 1808.002–70 is redesignated as section 1808.003–70.

4. Section 1808.002–71 is redesignated as section 1808.003–71.

5. Section 1808.002–72 is redesingated as section 1808.003–72.

6. Section 1808.002–75 is redesignated as section 1808.003–73.

PART 1851—USE OF GOVERNMENT SOURCES BY CONTRACTORS

7. Add subpart 1851.2 to read as follows:

Subpart 1851.2—Contractor Use of Interagency Fleet Management System (IFMS) Vehicles

1851.202 Authorization.

(a) The contracting officer shall obtain concurrence from the Transportation Officer before authorizing a cost-reimbursement contractor to obtain interagency fleet management system (IFMS) vehicles or related services.

[FR Doc. 02–28541 Filed 11–8–02; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1845

RIN 2700–AC33

Government Property—Instructions for Preparing NASA Form 1018

AGENCY: National Aeronautics and Space Administration.

ACTION: Interim rule.

SUMMARY: This interim rule amends the NASA Federal Acquisition Regulation Supplement (NFS) to provide policies and procedures for proper reporting of heritage assets as part of contractor annual reports of NASA property in its custody, and to clarify other property

classifications. NASA uses the data contained in contractor reports for annual financial statements and property management. This change will provide for consistent reporting of NASA property by contractors.

DATES: *Effective Date:* This interim rule is effective November 12, 2002.

Comment Date: Comments should be submitted to NASA at the address below on or before January 13, 2003.

FOR FURTHER INFORMATION CONTACT: Lou Becker, NASA Headquarters, Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546, telephone: (202) 358–4593, e-mail to: *lbecker@hq.nasa.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

NASA must account for and report assets in accordance with 31 U.S.C. 3515, Federal Accounting Standards, and Office of Management and Budget (OMB) Bulletin No. 01–09, Form and Content of Agency Financial Statements. Since contractors maintain NASA's official records for NASA-owned assets in contractors' possession, NASA must obtain annual data from those records in order to facilitate proper accounting and control over the assets. This interim rule provide policies and procedures for proper reporting of heritage assets by providing a definition and directing that these assets be reported within appropriate property classifications. This interim rule also clarifies other property classifications and provides cross references to the FAR to insure proper reporting of these assets.

B. Regulatory Flexibility Act

NASA certifies that this interim rule will not have a significant economic impact on a substantial number of small businesses within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because it clarifies existing property reporting policies and procedures contractors must follow when accounting for and reporting assets.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the NFS do not impose new recordkeeping or information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

D. Determination To Issue an Interim Rule

In accordance with 41 U.S.C. 418(d), NASA has determined that urgent and compelling reasons exist to promulgate this interim rule. The basis for this determination is that the clarifications contained in this interim rule are needed to ensure consistent reporting of NASA assets in contractor annual reports to be submitted by October 31, 2002. Public comments received in response to this interim rule will be considered in the formation of the final rule.

List of Subjects in 48 CFR Part 1845

Government procurement.

Tom Luedtke,

Assistant Administrator for Procurement.

Accordingly, 48 CFR part 1845 is amended to as follows:

1. The authority citation for 48 CFR part 1845 continues to read as follows:

Authority: 42 U.S.C. 247(c)(1).

PART 1845—GOVERNMENT PROPERTY

2. Amend section 1845.7101–1 by—

a. Revising paragraph (a);

b. Revising the introductory text of paragraph (g);

c. Adding ''(see FAR 45.101)'' at the end of the first sentence in paragraph (h) introductory text;

d. Adding ''(see FAR 45.101)'' at the end of the first sentence in the introductory text of paragraph (i);

e. In paragraph (j), adding ''regardless of whether or not it is unique to NASA programs,'' immediately after ''inventory'' in the first sentence, and adding ''spares,'' immediately after ''material'' in the second sentence;

f. Revising the first sentence in the introductory text of paragraph (k). The revised text reads as follows:

1845.7101–1 Property classification.

(a) *General.* (1) Contractors shall report costs in the classifications on NF 1018, as described in this section. The cost of heritage assets will be reported on the NF 1018 under the appropriate classification. Supplemental reporting may also be required. Heritage assets are property, plant and equipment that possess one or more of the following characteristics:

(i) Historical or natural significance;

(ii) Cultural, educational or aesthetic value; or

(iii) Significant architectural characteristics.

(2) Examples of NASA heritage assets include buildings and structures designated as National Historic Landmarks as well as aircraft, spacecraft and related components on display to enhance public understanding of NASA programs. Heritage assets which serve both a heritage and government operation function are considered multi-use when the predominant use is in general government operations. Multi-use heritage assets will not be considered heritage assets for NF 1018 supplemental reporting purposes.

* * * * *

(g) *Equipment.* Includes costs of commercially available personal property capable of stand-alone use in manufacturing supplies, performing services, or any general or administrative purpose (for example, machine tools, furniture, vehicles, computers, software, test equipment, including their accessory or auxiliary items). Software integrated into and necessary to operate another item of Government property is considered to be an auxiliary item (see FAR 45.501) and should be considered part of the item of which it is an integral part. Other software shall be classified as an individual item of equipment for reporting purposes if $100,000 or over. Software licenses are excluded. Contractors shall separately report:

* * *

* * * * *

(k) *Agency-Peculiar Property.* Includes costs of completed items, unique to NASA aeronautical and space programs which are capable of stand alone operation. * * *

* * * * *

3. Amend section 1845.7101–2 by deleting the last two sentences in paragraph (a) and adding the following sentence at the end of paragraph (a) to read as follows:

1845.7101–2 Transfers of property.

* * * * *

(a) * * * Shipping and receiving contractors shall promptly submit copies of shipping and receiving documents to the Center Deputy Chief Financial Officer, Finance, responsible for their respective contracts when accountability for NASA property is transferred to, or received from, other contracts, contractors, NASA Centers, or Government agencies.

* * * * *

1845.7101–3 [Amended]

4. Amend section 1845.7101–3, in the first sentence of paragraph (b) by removing ''Special Test Equipment, Special Tooling, Agency Peculiar Property and Contract Work in Process'' and adding ''property'' in its place.

1845.7101–4 [Amended]

5. Amend section 1845.7101–4, in paragraph (g) by adding ‘‘, or trade-ins’’ at the end of the sentence.

[FR Doc. 02–28084 Filed 11–8–02; 8:45 am]

BILLING CODE 7510–13–P

Proposed Rules

Federal Register

Vol. 67, No. 218

Tuesday, November 12, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–CE–64–AD]

RIN 2120–AA64

Airworthiness Directives; Robert E. Rust Models DeHavilland DH.C1 Chipmunk 21, 22, and 22A Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Robert E. Rust (R.E. Rust) Models DeHavilland DH.C1 Chipmunk 21, 22, and 22A airplanes. This proposed AD would require you to repetitively inspect the tailplane attachment brackets and replace each bracket. This proposed AD would also require you to repetitively inspect each joint of the port and starboard engine mount frame and the rear upper mount frame tubes for cracks and/or damage and repair any cracks and/or damage found. This proposed AD is the result of reports of stress corrosion cracking found on the tailplane attachment brackets and fatigue cracking and chaffing of the engine mount frame. The actions specified by this proposed AD are intended to prevent failure of the tailplane attachment brackets and failure of the engine mount, which could result in loss of the tail section and separation of the engine from the airplane respectively. Such failures could lead to loss of control of the airplane.

DATES: The Federal Aviation Administration (FAA) must receive any comments on this proposed rule on or before January 17, 2003.

ADDRESSES: Submit comments to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–CE–64–AD, 901 Locust, Room 506, Kansas City, Missouri 64106. You may view any comments at this location between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. You may also send comments electronically to the following address: *9-ACE–7–Docket@faa.gov.* Comments sent electronically must contain ''Docket No. 2000–CE–64–AD'' in the subject line. If you send comments electronically as attached electronic files, the files must be formatted in Microsoft Word 97 for Windows or ASCII text.

You may get service information that applies to this proposed AD from DeHavilland Support Limited, Duxford Airfield, Bldg. 213, Cambridgeshire, CB2 4QR, United Kingdom, telephone: +44 1223 830090, facsimile: +44 1223 830085, e-mail: *info@dhsupport.com.* You may also view this information at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Cindy Lorenzen, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, 1895 Phoenix Boulevard, Suite 450, Atlanta, Georgia; telephone: (770) 703–6078; facsimile: (770) 703–6097.

SUPPLEMENTARY INFORMATION:

Comments Invited

How Do I Comment on This Proposed AD?

The FAA invites comments on this proposed rule. You may submit whatever written data, views, or arguments you choose. You need to include the rule's docket number and submit your comments to the address specified under the caption **ADDRESSES**. We will consider all comments received on or before the closing date. We may amend this proposed rule in light of comments received. Factual information that supports your ideas and suggestions is extremely helpful in evaluating the effectiveness of this proposed AD action and determining whether we need to take additional rulemaking action.

Are There Any Specific Portions of This Proposed AD I Should Pay Attention To?

The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this proposed rule that might suggest a need to modify the rule. You may view all comments we receive before and after the closing date of the rule in the Rules Docket. We will file a report in the Rules Docket that summarizes each contact we have with the public that concerns the substantive parts of this proposed AD.

How Can I Be Sure FAA Receives My Comment?

If you want FAA to acknowledge the receipt of your mailed comments, you must include a self-addressed, stamped postcard. On the postcard, write ''Comments to Docket No. 2000–CE–64–AD.'' We will date stamp and mail the postcard back to you.

Discussion

What Events Have Caused This Proposed AD?

The FAA has received reports that an unsafe condition may exist on certain R.E. Rust Models DeHavilland DH.C1 Chipmunk 21, 22, and 22A airplanes. After a review of several of these airplanes, stress corrosion cracking was found on the tailplane attachment brackets and fatigue cracks and chaffing were found on the engine mount frame.

We have determined that tailplane attachment brackets, pre-modification H357, are made from material susceptible to stress corrosion cracking. Modification No. H357 introduces a new tailplane attachment fitting, part number (P/N) C1.TP.313, that is made from a different type of material than that of the original tailplane attachment fitting, P/N C1.TP.167.

Cracks in the engine mount frame were found in the area of the junction of the front and rear top tube and engine mounting foot support brackets and in the front of the frame. We have determined that fatigue is the cause of the cracks. The upper aft mount frame tubes were also found to have damage caused by chaffing by the cowling support rod.

What Are the Consequences if the Condition Is Not Corrected?

These conditions, if not corrected, could result in failure of the tailplane attachment brackets and failure of the engine mount. Such failures could lead to loss of control of the airplane.

Is There Service Information That Applies to This Subject?

British Aerospace (now DeHavilland Support Limited) has issued BAe Aircraft Mandatory Technical News

Sheet CT (C1) No. 176, Issue 2, dated November 1, 1997; and BAe Aircraft Mandatory Technical News Sheet CT (C1) No. 190, Issue 2, dated April 1, 1995.

What Are the Provisions of This Service Information?

BAe Aircraft Mandatory Technical News Sheet CT (C1) No. 176, Issue 2, dated November 1, 1997, includes procedures for:

—Repetitively inspecting the tailplane attachment brackets for cracks; and
—Replacing any cracked bracket found upon inspection or as a terminating action for the repetitive inspections.

BAe Aircraft Mandatory Technical News Sheet CT (C1) No. 190, Issue 2, dated April 1, 1995, includes procedures for:

—Repetitively inspecting each joint of the engine mount frame and the rear upper mount frame tubes for cracks and/or damage; and
—Repairing any cracks and/or damage found.

The FAA's Determination and an Explanation of the Provisions of this Proposed AD

What Has FAA Decided?

After examining the circumstances and reviewing all available information related to the incidents described above, we have determined that:

—The unsafe condition referenced in this document exists or could develop on other R.E. Rust Models DeHavilland DH.C1 Chipmunk 21, 22, and 22A airplanes of the same type design;
—The actions specified in the previously-referenced service information should be accomplished on the affected airplanes; and
—AD action should be taken in order to correct this unsafe condition.

What Would This Proposed AD Require?

This proposed AD would require you to incorporate the actions in the previously-referenced service information.

Cost Impact

How Many Airplanes Would This Proposed AD Impact?

We estimate that this proposed AD affects 54 airplanes in the U.S. registry.

What Would Be the Cost Impact of This Proposed AD on Owners/Operators of the Affected Airplanes?

We estimate the following costs to accomplish the proposed inspections of the tailplane attachment brackets:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
32 workhours × $60 per hour = $1,920.	No parts required	$1,920	$1,920 × 54 = $103,680.

We estimate the following costs to accomplish any necessary replacements that would be required based on the results of the proposed inspection. We have no way of determining the number of airplanes that may need such replacement:

Labor cost	Parts cost	Total cost per bracket
3 workhours × $60 per hour = $180 per bracket	$600 per bracket (2 brackets per airplane)	$180 + $600 = $780.

We estimate the following costs to accomplish the proposed inspections of the engine mount frame:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
16 workhours × $60 per hour = $960.	No parts required	$960	$960 × 54 = $51,840.

The FAA has no method of determining the number of repairs or replacements each owner/operator would incur over the life of each of the affected airplanes based on the results of the proposed inspections. We have no way of determining the number of airplanes that may need such repair. The extent of damage may vary on each airplane.

Compliance Time of This Proposed AD

What Would Be the Compliance Time of This Proposed AD?

The compliance time of this proposed AD is ''within the next 90 calendar days after the effective date of this AD.''

Why Is the Proposed Compliance Time Presented in Calendar Time Instead of Hours Time-In-Service (TIS)?

An unsafe condition specified by this proposed AD is caused by corrosion. Corrosion can occur regardless of whether the aircraft is in operation or is in storage. Therefore, to assure that the unsafe condition specified in the proposed AD does not go undetected for a long period of time, the compliance is presented in calendar time instead of hours time-in-service (TIS).

Regulatory Impact

Would This Proposed AD Impact Various Entities?

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

Would This Proposed AD Involve a Significant Rule or Regulatory Action?

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration

proposes to amend 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. FAA amends § 39.13 by adding a new airworthiness directive (AD) to read as follows:

Robert E. Rust: Docket No. 2000–CE–64–AD

(a) *What airplanes are affected by this AD?* This AD affects the following R.E. Rust Models DeHavilland DH.C1 Chipmunk 21, 22, and 22A airplanes, serial numbers C1–001 through C1–1014, that are type certificated in any category.

Note 1: We recommend all owners/operators of DeHavilland DH.C1 Chipmunk 21, 22, and 22A airplanes, serial numbers C1–001 through C1–1014, with experimental airworthiness certificates comply with the actions required in this AD.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the airplanes identified in paragraph (a) of this AD must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to prevent failure of the tailplane attachment brackets caused by stress corrosion cracking and failure of the engine mount, which could result in loss of the tail section and separation of the engine from the airplane respectively. Such failures could lead to loss of control of the airplane.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Compliance	Actions	Procedures
(1) Tailplane Attachment Brackets		
(i) Initially inspect within the next 90 days after the effective date of this AD: (A) Inspect thereafter at intervals not to exceed 6 months until the modification required by paragraph (d)(1)(ii) of the AD is incorporated (B) When the modification required by paragraph (d)(1)(ii) is incorporated, you may terminate the repetitive inspections of the tailplane attachment bracket	Inspect, using dye penetrant, the tailplane attachment brackets, part-number (P/N) C1.TP.167 (or FAA-approved equivalent part) for cracks.	In accordance with British Aerospace Military Aircraft and Aerostructures (BAe Aircraft) Mandatory Technical News Sheet CT (C1) No. 176, Issued 2, dated November 1, 1997; and Civil Modification Mandatory Modification No. Chipmunk H357, dated March 12, 1984.
(ii) At whichever of the following that occurs first: (A) Prior to further flight after the inspection where any crack is found; or (B) Upon accumulating 9,984 hours time-in-service (the safe life limit for P/N C1.TP.167) on the tailplane attachments brackets or within the next 90 calendar days after the effective date of this AD, whichever occurs later	Replace the tailplane attachment bracket by incorporating Modification H357 (P/N C1.TP.313) or FAA-approved equivalent part number. Installing P/N C1.TP.313 (or FAA-approved equivalent part number)terminates the repetitive inspection requirement of the tailplane attachment brackets.	In accordance with British Aerospace Military Aircraft and Aerostructures (BAe Aircraft) Mandatory Technical News Sheet CT (C1) No. 176, Issue 2, dated November 1, 1997; and Civil Modification Mandatory Modification No. Chipmunk H357, dated March 12, 1984.
(iii) As of the effective date of this AD	Only install a tailplane attachment bracket that is P/N C1.TP.313, or FAA-approved equivalent part number.	Not applicable.
(2) Engine Mount Frames		
(i) Inspect each joint of the port and starboard engine mount frame and the rear upper mount frame tubes for cracks and/or damage.	Initially inspect within the next 90 days after the effective date of this AD. Repetitively inspect thereafter at intervals not to exceed 600 hours TIS.	In accordance with British Aerospace Aerostructures Limited (BAe Aircraft) Mandatory Technical News Sheet CT (C1) No. 190, Issue 2, dated April 1, 1995.
(ii) If cracks and/or damage is found during any inspection required in paragraph (d)(2)(i) of this AD: (A) Obtain a repair scheme from the manufacturer through the FAA at the address specified in paragraph (f) of this AD and incorporate this repair scheme, or repair in accordance with FAA Advisory Circular (AC) 43.13–1B, Change 1, dated September 27, 2001, Chapter 4, Paragraph 4–99; or (B) Replace with a new or serviceable part.	Prior to further flight after the inspection in which any crack and/or damage is found. Repetitively inspect as required in paragraph (d)(2)(i) of this AD.	Repair in accordance with AC 43.13–1B, Change 1, dated September 27, 2001, Chapter 4, Paragraph 4–99 or in accordance with the repair scheme obtained from DeHavilland Support Limited, Duxford Airfield, Bldg. 213, Cambridgeshire, CB2 4QR, United Kingdom. Obtain this repair scheme through the FAA at the address specified in paragraph (f) of this AD. Replace in accordance with British Aerospace Aerostructures Limited (BAe Aircraft) Mandatory Technical News Sheet CT (C1) No. 190, Issue 2, dated April 1, 1995, or AC 43.13–1B, Change 1, dated September 27, 2001, Chapter 4, Paragraph 4–99.
(3) Bind the rear upper mount frame tubes with a high density polythene tape at the location where the cowling support rod clip is secured.	Prior to further flight after the initial inspection required in paragraph (d)(1) of this AD.	In accordance with British Aerospace Aerostructures Limited (BAe Aircraft) Mandatory Technical News Sheet CT (C1) No. 190, Issue 2, dated April 1, 1995.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Atlanta Aircraft Certification Office (ACO), approves your alternative. Submit your request through an

FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 2: This AD applies to each airplane identified in paragraph (a) of this AD, 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 (e) 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 you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Cindy Lorenzen, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, 1895 Phoenix Boulevard, Suite 450, Atlanta, Georgia; telephone: (770) 703–6078; facsimile: (770) 703–6097.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *How do I get copies of the documents referenced in this AD?* You may get copies of the documents referenced in this AD from DeHavilland Support Limited, Duxford Airfield, Bldg. 213, Cambridgeshire, CB2 4QR, United Kingdom, telephone: +44 1223 830090, facsimile: +44 1223 830085, e-mail: info@dhsupport.com. You may view these documents at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on November 4, 2002.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–28617 Filed 11–8–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–141832–02]

RIN 1545–BB20

Substantiation of Incidental Expenses

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: This document contains proposed amendments to regulations relating to the requirement to substantiate business expenses for traveling expenses while away from home. In the Rules and Regulations section of this issue of the **Federal Register**, the IRS is issuing temporary regulations relating to the requirement to substantiate business expenses for traveling expenses while away from home under section 274 of the Internal Revenue Code. The text of those regulations also serves as text for these proposed regulations. This document also contains proposed regulations amending the regulations under section 62 to conform the cross-reference to the regulations under section 274.

DATES: Written or electronic comments and requests for a public hearing must be received by February 10, 2003.

ADDRESSES: Send submissions to: CC:ITA:RU (REG–141832–02), Room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 5 p.m. to: CC:ITA:RU (REG–141832–02), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC. Alternatively, taxpayers may submit electronic comments directly to the IRS Internet site at *www.irs.gov/regs*.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, John Moriarty, (202) 622–4930; concerning submissions of comments and/or requests for a public hearing, LaNita Van Dyke, (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background and Explanation of Provisions

Final and temporary regulations in the Rules and Regulations section of this issue of the **Federal Register** amend the Income Tax Regulations (26 CFR part 1) relating to section 274. The temporary regulations authorize the Commissioner to establish a method under which a taxpayer may use a specified amount or amounts for incidental expenses paid or incurred while traveling away from home in lieu of substantiating the actual cost of incidental expenses. The text of the temporary regulations also serves, in part, as text for these proposed regulations. The preamble to the temporary regulations explains the amendment.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It is hereby certified that these regulations will not have a significant economic impact on a substantial number of small entities. This certification is based upon the fact that these regulations do not require a collection of information and do not impose any new or different requirements on small entities. Therefore, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written (a signed original and eight copies) or electronic comments that are submitted timely to the IRS. The IRS and Treasury Department request comments on the clarity of the proposed rules and how they can be made easier to understand. All comments will be available for public inspection and copying. A public hearing will be scheduled if requested in writing by any person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the public hearing will be published in the **Federal Register**.

Drafting Information

The principal author of these regulations is John Moriarty, Office of Associate Chief Counsel (Income Tax & Accounting). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805 * * *
Section 1.274–5 also issued under 26 U.S.C. 274(d). * * *

2. Section 1.62–2 is amended by removing the last three sentences of paragraph (e)(2) and adding two

sentences in their place to read as follows:

§ 1.62–2 Reimbursements and other expense allowance arrangements.

* * * * *

(e) * * *

(2) * * * *See* § 1.274–5(g) and (j), which grant the Commissioner the authority to establish optional methods of substantiating certain expenses. Substantiation of the amount of a business expense in accordance with rules prescribed pursuant to the authority granted by § 1.274–5(g) or (j) will be treated as substantiation of the amount of such expense for purposes of this section.

* * * * *

3. Section 1.274–5 is amended by:

1. Adding paragraph (j)(3).

2. Adding a new sentence at the end of paragraph (m).

The additions read as follows:

§ 1.274–5 Substantiation requirements.

[The text of proposed § 1.274–5(j)(3) and the proposed new sentence at the end of § 1.274–5(m) are the same as the text of § 1.274–5T(j)(3) and the last sentence of § 1.274–5T(m) published elsewhere in this issue of the **Federal Register**].

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

[FR Doc. 02–28544 Filed 11–8–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

31 CFR Part 103

RIN 1506–AA28

Financial Crimes Enforcement Network; Anti-Money Laundering Programs for Insurance Companies; Correction

AGENCY: Financial Crimes Enforcement Network (FinCEN), Treasury.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects the preamble to a proposed rule published in the **Federal Register** of September 26, 2002, regarding anti-money laundering programs for insurance companies. This correction clarifies that comments on the collection of information contained in the proposed rule should be received by November 25, 2002, rather than by November 12, 2002.

FOR FURTHER INFORMATION CONTACT: Office of Chief Counsel, FinCEN, (703) 905–3590.

Correction

In proposed rule FR Doc. 02–24144, beginning on page 60625 in the issue of September 26, 2002, make the following correction, in the **SUPPLEMENTARY INFORMATION** section. On page 60629 in the 3d column, remove the third sentence of the first paragraph under ''VI. Paperwork Reduction Act,'' and add in its place the following: ''Comments on the collection of information should be received by November 25, 2002.''

Dated: November 5, 2002.

Cynthia L. Clark,

Deputy Chief Counsel, Financial Crimes Enforcement Network.

[FR Doc. 02–28664 Filed 11–8–02; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD08–02–017]

RIN 2115–AA98

Anchorage Regulation; Boothville Anchorage, Venice, LA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its regulation on Boothville Anchorage, located near mile 12.9, Lower Mississippi River, Venice, Louisiana. This amendment is necessary to accommodate the construction of Sea Point, a container transshipment facility. The anchorage would be reduced in size approximately 0.8 miles.

DATES: Comments and related material must reach the Coast Guard on or before January 13, 2003.

ADDRESSES: You may mail comments and related material to Commander, Eighth Coast Guard District (m), Hale Boggs Federal Bldg., 501 Magazine Street, New Orleans LA 70130, or comments and related material may be delivered to Room 1341 at the same address between 8 a.m. and 3:30 p.m., Monday through Friday, except federal holidays. Commander, Eighth Coast Guard District (m) maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Commander, Eighth Coast Guard District (m) between 8 a.m. and 3:30 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant (LT) Karrie Trebbe, Project Manager for Eighth Coast Guard District Commander, telephone (504) 589–6271.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CCGD08–02–017), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to Commander, Eighth Coast Guard District (m) at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The Coast Guard received a request from Sea Point LLC to reduce the size of the Boothville Anchorage by approximately 0.8 miles in order to accommodate the construction of Sea Point, a container transshipment facility in Venice, Louisiana. Sea Point is designed to provide the immediate transfer of containers from deep draft vessels to barges destined for ports on the Mississippi River and along the Gulf of Mexico.

Sea Point LLC has advised two local pilot organizations of its intended construction. The Crescent River Pilot's Association and the Associated Federal Pilots and Docking Masters of Louisiana, pilot organizations that pilot vessels through this area and anchor vessels in the anchorage, voiced no objections to the proposed reduction in the size of the anchorage.

Discussion of Proposed Rule

The proposed amendment would reduce the size the southern end of the Boothville Anchorage by 0.8 miles to

accommodate the construction of a container transshipment facility. The new anchorage would be 5.5 miles in length along the right descending bank of the river extending from mile 13.0 to 18.5 above Head of Passes. The width of the anchorage would remain unchanged.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This anchorage is primarily used for deep draft vessels waiting for mooring facilities further up river, vessels waiting for fog to dissipate, and for vessels waiting for heavy weather in the Gulf of Mexico to diminish. The proposed amendment would not obstruct the regular flow of traffic nor would it adversely affect vessels requiring anchorage as the anchorage has been more than ample to accommodate all vessels desiring to use it.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities because this anchorage is primarily used for deep draft vessels waiting for mooring facilities further up river, vessels waiting for fog to dissipate, and vessels waiting for heavy weather in the Gulf of Mexico to diminish. The proposed shortening of this anchorage would not obstruct the regular flow of traffic nor have an adverse impact to anchoring vessels.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact, LT Karrie Trebbe, Project Manager for Eighth Coast Guard District Commander, telephone (504) 589–6271.

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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.

We invite your comments on how this proposed rule might impact tribal governments, even if that impact may not constitute a ''tribal implication'' under the Order.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that Order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph (34)(f), of Commandant Instruction M16475.lD, this rule is categorically excluded from further environmental documentation because this rule is an amendment to a regulation already in effect. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 110

Anchorage grounds.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 110 as follows:

PART 110—ANCHORAGE REGULATIONS

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g).

2. Amend § 110.195 by revising paragraph (a)(4) to read as follows:

§ 110.195 Mississippi River below Baton Rouge, LA, including South and Southwest Passes.

(a) * * *

(4) *Boothville Anchorage.* An area 5.5 miles in length along the right descending bank of the river extending from mile 13.0 to mile 18.5 above Head of Passes. The width of the anchorage is 750 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 250 feet from the water's edge into the river as measured from the Low Water Reference Plane (LWRP). The outer boundary of the anchorage is a line parallel to the nearest bank 1,000 feet from the water's edge into the river as measured from the LWRP.

* * * * *

Dated: November 1, 2002.

Roy J. Casto,

Rear Admiral, Coast Guard, Commander, Eighth District Coast Guard.

[FR Doc. 02–28680 Filed 11–8–02; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA127–5059; FRL–7406–5]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Nitrogen Oxides Budget Trading Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve the NO_X Budget Trading Program submitted as a revision to the Virginia State Implementation Plan (SIP), with the exception of its NO_X allowance banking provisions, which EPA proposes to conditionally approve. The revision was submitted in response to EPA's regulation entitled, ''Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone,'' otherwise known as the ''NO_X SIP Call.'' The revision establishes and requires a nitrogen oxides (NO_X) allowance trading program for large electric generating and industrial units, beginning in 2004. The intended effect of this action is to propose approval of Virginia's NO_X Budget Trading Program because it substantively addresses the requirements of the NO_X SIP Call, with the following exception: Its NO_X allowance banking provision is proposed to be conditionally approved because it must be revised to require that flow control begin in 2005, in accordance with the revised model rule. EPA is proposing approval of this revision, with the exception noted, in accordance with the requirements of the Clean Air Act.

DATES: Written comments must be received on or before December 12, 2002.

ADDRESSES: Written comments should be mailed to Walter Wilkie, Acting Chief, Air Quality Planning and Information Services Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103 and Virginia Department of Environmental Quality (VADEQ), 629 East Main Street, Richmond, Virginia, 23219.

FOR FURTHER INFORMATION CONTACT: Marilyn Powers, (215) 814–2308, or by e-mail at *powers.marilyn@epa.gov.* Please note that any comments on this rule must be submitted in writing, as provided in the **ADDRESSES** section of this document.

SUPPLEMENTARY INFORMATION: On June 25, 2002, VADEQ submitted a revision to its SIP to address the requirements of the NO_X SIP Call. The revision consists of the adoption of Regulation for Emissions Trading, 9 VAC Chapter 140, part I—NO_X Budget Trading Program. The information in this section of this document is organized as follow:

I. EPA's Action
A. What Action Is EPA Taking in This Proposed Rulemaking?
B. What Are the General NO_X SIP Call Requirements?
C. What Is EPA's NO_X Budget Trading Program?
D. What standards did EPA use to evaluate Virginia's submittal?
II. Virginia's NO_X Budget Trading Program
A. When Did Virginia Submit the SIP Revision to EPA in Response to the NO_X SIP Call?
B. What Is Virginia's NO_X Budget Trading Program?
C. What Is the Result of EPA's Evaluation of Virginia's Program?
III. Proposed Action
IV. Administrative Requirements

I. EPA's Action

A. What Action Is EPA Taking in This Proposed Rulemaking?

EPA is proposing to approve the Virginia NO_X Budget Trading Program submitted as a SIP revision on June 25, 2002, with the exception of its NO_X allowance banking provisions, which EPA proposes to conditionally approve.

B. What Are the General NO_X SIP Call Requirements?

On October 27, 1998 (63 FR 57356), EPA published a final rule entitled, ''Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone,'' otherwise known as the ''NO_X SIP Call.'' The NO_X SIP Call requires the District of Columbia and 22 States, including Virginia, to meet statewide NO_X emission budgets during the May 1 through September 30 ozone season. By meeting these budgets the States will reduce the amount of ground level ozone that is transported across the eastern United States. EPA has previously determined statewide NO_X emission budgets for each affected jurisdiction to be met by the year 2007. EPA identified NO_X emission reductions, by source category, that could be achieved by using cost-effective measures. The source categories included were electric generating units (EGUs), non-electric generating units (non-EGUs), area sources, nonroad mobile sources and highway sources. However, the NO_X SIP Call allowed States the flexibility to decide which source categories to regulate in order to meet the statewide budgets. In the NO_X SIP Call rule's preamble, EPA suggested that imposing statewide NO_X emission caps on large fossil-fuel fired industrial boilers and EGUs would provide a highly cost effective means for States to meet their NO_X budgets. In fact, the State-specific budgets were set assuming an emission rate of 0.15 pounds NO_X per million British thermal units (lbs. NO_X/MMBtu)

at EGUs, multiplied by the projected heat input (MMBtu) from burning the quantity of fuel needed to meet the 2007 forecast for electricity demand. See 63 FR 57407, October 27, 1998. The calculation of the 2007 EGU emissions assumed that an emissions trading program would be part of an EGU control program. The NO_X SIP Call State budgets also assumed, on average, a 30 percent NO_X reduction from cement kilns, a 60 percent reduction from industrial boilers and combustion turbines, and a 90 percent reduction from internal combustion engines. The non-EGU control assumptions were applied at units where the heat input capacities were greater than 250 MMBtu per hour, or in cases where heat input data were not available or appropriate, at units with actual emissions greater than one ton per day.

To assist the States in their efforts to meet the SIP Call, the NO_X SIP Call final rule included a model NO_X allowance trading regulation, called ''NO_X Budget Trading Program for State Implementation Plans'' (40 CFR part 96), that could be used by States to develop their regulations. The NO_X SIP Call rulemaking explained that if States developed an allowance trading regulation consistent with the EPA model rule, they could participate in a regional allowance trading program that would be administered by EPA. See 63 FR 57458—57459, October 27, 1998.

EPA conducted several comment periods on various aspects of the NO_X SIP Call emissions inventories. On March 2, 2000 (65 FR 11222), EPA published additional technical amendments to the NO_X SIP Call. The March 2, 2000 final rulemaking established the inventories upon which Virginia's final budget is based.

A number of parties, including certain States as well as industry and labor groups, challenged the October 27, 1998 (63 FR 57356) NO_X SIP Call Rule. On March 3, 2000, the D.C. Circuit issued its decision on the NO_X SIP Call ruling in favor of EPA on all of the major issues. *Michigan* v. *EPA,* 213 F.3d 663 (D.C. Cir. 2000). However, the Court remanded certain matters for further rulemaking by EPA. EPA recently published a final notice that addresses one of the remanded issues and expects to publish this year another final notice that addresses the remaining remanded issues. Any additional emissions reductions required as a result of the final rulemaking will be reflected in the second phase portion (Phase II) of the NO_X SIP Call rule. Virginia will be required to submit SIP revisions to address Phase II of the NO_X SIP Call Rule.

C. What Is EPA's NO_X Budget Trading Program?

EPA's model NO_X budget and allowance trading rule, 40 CFR part 96, sets forth a NO_X emissions trading program for large EGUs and non-EGUs. A State can voluntarily choose to adopt EPA's model rule in order to allow sources within its borders to participate in regional allowance trading. The October 27, 1998 final rulemaking contains a full description of the EPA's model NO_X budget trading program. See 63 FR 57514–57538 and 40 CFR part 96. In general, air emissions trading uses market forces to reduce the overall cost of compliance for pollution sources, such as power plants, while maintaining emission reductions and environmental benefits. One type of market-based program is an emissions budget and allowance trading program, commonly referred to as a ''cap and trade'' program.

In a cap and trade program, the State or EPA sets a regulatory limit, or emissions budget, of mass emissions from a specific group of sources. The budget limits the total number of allocated allowances during a particular control period. When the budget is set at a level lower than the current emissions, the effect is to reduce the total amount of emissions during the control period. After setting the budget, the State or EPA then assigns, or allocates, allowances to the participating entities up to the level of the budget. Each allowance authorizes the emission of a quantity of pollutant, *e.g.*, one ton of airborne NO_X. At the end of the control period, each source must demonstrate that its actual emissions during the control period were less than or equal to the number of available allowances it holds. Sources that reduce their emissions below their allocated allowance level may sell their extra allowances. Sources that emit more than the amount of their allocated allowance level may buy allowances from the sources with extra reductions. In this way, the budget is met in the most cost-effective manner.

D. What Standards Did EPA Use To Evaluate Virginia's Submittal?

The final NO_X SIP Call rule included a model NO_X budget trading program regulation at 40 CFR part 96. EPA used the model rule and 40 CFR 51.121 and 51.122 to evaluate Virginia's NO_X Budget Trading Program.

II. Virginia's NO_X Budget Trading Program

A. When Did Virginia Submit the SIP Revision to EPA in Response to the NO_X SIP Call?

On June 25, 2002, the VADEQ submitted a revision to its SIP to address the requirements of the NO_X SIP Call.

B. What Is Virginia's NO_X Budget Trading Program?

Virginia's SIP revision to address the requirements of the NO_X SIP Call consists of the adoption and submittal of Regulation for Emissions Trading, 9 VAC Chapter 140, part I—NO_X Budget Trading Program.

Regulation for Emissions Trading, 9 VAC Chapter 140, part I—NO_X Budget Trading Program establishes and requires a NO_X allowance trading program for large EGUs and large non-EGUs.

The Virginia NO_X Budget Trading Program regulation which comprises Virginia's SIP revision is as follows:

ARTICLE 1.—NO_X Budget Trading Program General Provisions consists of sections 9 VAC 5–140–10 through 9 VAC 5–140–70;

ARTICLE 2.—Authorized Account Representative for NO_X Budget Sources consists of sections 9 VAC 5–140–100 through 9 VAC 5–140–140;

ARTICLE 3.—Permits consist of sections 9 VAC 5–140–200 through 9 VAC 5–140–250;

ARTICLE 4.—Compliance Certification consists of sections 9 VAC 5–140–300 through 9 VAC 5–140–310;

ARTICLE 5.—NO_X Allowance Allocations consists of sections 9 VAC 5–140–400 through 9 VAC 5–140–430;

ARTICLE 6.—NO_X Allowance Tracking System consists of sections 9 VAC 5–140–500 through 9 VAC 5–140–570;

ARTICLE 7.—NO_X Allowance Transfers consists of sections 9 VAC 5–140–600 through 9 VAC 5–140–620;

ARTICLE 8.—Monitoring and Reporting consists of sections 9 VAC 5–140–700 through 9 VAC 5–140–760;

ARTICLE 9.—Individual Unit Opt-ins consists of sections 9 VAC 5–140–800 through 9 VAC 5–140–880; and

ARTICLE 10.—State Trading Budget and Compliance Supplement Pool consists of sections 9 VAC 5–140–900 through 9 VAC 5–140–930.

Regulation for Emissions Trading, 9 VAC Chapter 140, part I—NO_X Budget Trading Program establishes a NO_X cap and allowance trading program with a budget of 21,195 tons of NO_X for the ozone seasons of 2004 and beyond. The NO_X budgets for large EGUs and large

non-EGUs are 17,091 and 4,104 tons of NO_X per ozone season, respectively. Virginia voluntarily chose to follow EPA's model NO_X budget and allowance trading rule, 40 CFR part 96, that sets forth a NO_X emissions trading program for large EGUs and non-EGUs. Because Virginia's NO_X Budget Trading Program is based upon EPA's model rule, Virginia sources are allowed to participate in the interstate NO_X allowance trading program that EPA will administer for the participating States. Virginia has adopted regulations that are substantively identical to 40 CFR part 96, with one exception: Virginia's regulation at 9 VAC 5–140–550 for banking of NO_X allowances must be revised to require flow control to begin in 2005 in lieu of 2006 as currently required. Thus, EPA proposes approval of Virginia's regulations for its NO_X Budget Trading Program, with the exception of 9 VAC 5–140–550, which EPA proposes to conditionally approve.

Under the NO_X Budget Trading Program, Virginia allocates NO_X allowances to the EGUs and non-EGUs that are affected by these requirements. The NO_X trading program generally applies to fossil-fuel-fired EGUs with a nameplate capacity greater than 25 MW that sell any amount of electricity as well as to non-EGUs that have a heat input capacity greater than 250 MMBtu per hour. Each NO_X allowance permits a unit to emit one ton of NO_X during the seasonal control period. NO_X allowances may be bought or sold. Unused NO_X allowances may also be banked for future use, with certain limitations. Owners will monitor their unit's NO_X emissions by using systems that meet the requirements of 40 CFR part 75, subpart H and will report resulting data to EPA electronically. Each budget unit complies with the program by demonstrating at the end of each control period that actual emissions do not exceed the amount of allowances held for that period. However, regardless of the number of allowances a unit holds, it cannot emit at levels that would violate other Federal or State limits, for example, reasonably available control technology (RACT), new source performance standards, or title IV (the Federal Acid Rain program).

C. What Is the Result of EPA's Evaluation of Virginia's Program?

EPA has evaluated Virginia's June 25, 2002 SIP submittal and has found that the Virginia NO_X Budget Trading Program is consistent with EPA's guidance and addresses the requirements of the NO_X SIP Call, with one exception: Virginia's regulation at 9 VAC 5–140–550 for banking of NO_X allowances requires flow control to begin in 2006. The 2006 date is inconsistent with the model rule in part 96 (which required flow control in the NO_X SIP Call to start in 2004) and the subsequent timing change effected by the ruling of the U.S. Court of Appeals for the D.C. related to its decision in Michigan v. EPA, 213 F.3d 663 (D.C. Cir. 2000). Although the court's action affected only the compliance deadline, other dates in the rule for related requirements (such as flow control) were also extended because they were established relative to the original compliance deadline. The compliance deadline was extended by 1 year (from 2003 to 2004), thereby necessitating an extension of the date for flow control to begin by 1 year (from 2004 to 2005). Virginia must revise its regulation at 9 VAC 5–140–550 to establish the start of flow control to be 2005. Thus, EPA proposes approval of Virginia's regulations for its NO_X Budget Trading Program, with the exception of 9 VAC 5–140–550, which EPA proposes to conditionally approve. The June 25, 2002 submittal will strengthen Virginia's SIP for reducing ground level ozone by providing NO_X reductions beginning in 2004.

Virginia's SIP revision does not establish requirements for cement manufacturing kilns and stationary internal combustion engines. Virginia will be required to submit SIP revisions to address any additional emission reductions required to meet the State's overall emissions budget. In addition, Virginia's submittal does not rely on any additional reductions beyond the anticipated Federal measures in the mobile and area source categories.

On December 26, 2000 (65 FR 81366), EPA made a finding that Virginia had failed to submit a SIP response to the NO_X SIP Call, thus starting 18 and 24 month clocks for the mandatory imposition of sanctions and the obligation for EPA to promulgate a Federal Implementation Plan (FIP) within 24 months. The effective date of that finding was January 25, 2001. On June 25, 2002, Virginia submitted a SIP revision to satisfy the NO_X SIP Call. On July 16, 2002, EPA found Virginia's SIP submission to be complete. On July 23, 2002, EPA published a notice halting the sanctions clocks for the Commonwealth of Virginia. Upon approval of this SIP revision, with the exception noted, the EPA's FIP obligation is terminated.

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) ''privilege'' for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information: (1) That are generated or developed before the commencement of a voluntary environmental assessment; (2) that are prepared independently of the assessment process; (3) that demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) that are required by law.

On January 12, 1997, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege Law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information ''required by law,'' including documents and information ''required by Federal law to maintain program delegation, authorization or approval,'' since Virginia must ''enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts * * *.'' The opinion concludes that ''[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval.''

Virginia's Immunity Law, Va. Code Sec. 10.1–1199, provides that ''[t]o the extent consistent with requirements imposed by Federal law,'' any person making a voluntary disclosure of information to a State agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The

Attorney General's January 12, 1997 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since ''no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity.''

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the Federal requirements. In any event, because EPA has also determined that a State audit privilege and immunity law can affect only State enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the Clean Air Act, including, for example, section 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the State plan, independently of any State enforcement effort. In addition, citizen enforcement under section 304 of the Clean Air Act is likewise unaffected by this, or any, State audit privilege or immunity law.

III. Proposed Action

EPA is proposing to approve Virginia's Regulation for Emissions Trading, 9 VAC Chapter 140, part I—NO_X Budget Trading Program submitted as a SIP revision on June 25, 2002, with the following exception: Virginia's NO_X allowance banking requirement for flow control is proposed to be conditionally approved. EPA proposes approval for Virginia's NO_X Budget Trading Program because it substantively satisfies the requirements of the NO_X SIP Call. For Virginia's NO_X banking requirements to become fully approvable, Virginia must correct the deficiency identified in this action and submit the change as a SIP revision, by a date within one year from the final conditional approval, after which EPA will conduct rulemaking to fully approve the revision. If the condition is not met within the specified timeframe, EPA is proposing that the rulemaking will convert to a final disapproval.

IV. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed 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 proposes to approve State law as meeting Federal requirements and imposes no additional requirements beyond those imposed by State law. Accordingly, the Administrator certifies that this proposed 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 proposes to approve 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 proposed rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely proposes to approve 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 proposed rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this proposed rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order.

This proposed rule that pertains to Virginia's NO_X Budget Trading Program does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 52

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

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

Dated: October 31, 2002.

Donald S. Welsh,

Regional Administrator, Region III.

[FR Doc. 02–28695 Filed 11–8–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[PA181–4181b; FRL–7399–3]

Approval and Promulgation of Air Quality Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Pennsylvania; Redesignation of the Allegheny County Carbon Monoxide Nonattainment Area and Approval of Miscellaneous Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania for the purpose of redesignating the Pittsburgh area carbon monoxide (CO) nonattainment area to attainment, establish a maintenance plan for the area, and approve the 1990 base year inventory for CO for the area. In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final

rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by December 12, 2002.

ADDRESSES: Written comments should be mailed to David L. Arnold, Chief, Air Quality Planning and Information Services Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, 1301 Constitution Avenue, NW., Room B108, Washington, DC 20460; and Pennsylvania Department of Environmental Protection, Bureau of Air Quality, PO Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Catherine L. Magliocchetti, (215) 814–2174, or by e-mail at *magliocchetti.catherine@epa.gov.*

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this redesignation request, maintenance plan and emissions inventory for the CO nonattainment area in southwestern Pennsylvania, and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: October 17, 2002.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

[FR Doc. 02–28496 Filed 11–8–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[FRL–7405–5]

RIN 2060–AJ87

National Emission Standard for Benzene Waste Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; amendments.

SUMMARY: We are proposing to amend the national emission standards for hazardous air pollutants (NESHAP) for benzene waste operations, promulgated on March 7, 1990 (55 FR 8346), under the authority of section 112 of the Clean Air Act (CAA). The amendments add an exemption for organic vapors routed to the fuel gas system and a new compliance option for tanks, and clarify the standards for containers.

In the Rules and Regulations section of this **Federal Register**, we are taking direct final action on the proposed amendments because we view this action as noncontroversial, and anticipate no adverse comment. We have explained our reasons for the amendments in the preamble to the direct final rule.

If we receive no adverse comment, we will take no further action on the proposed amendments. If we receive adverse comment, we will withdraw the direct final amendments and they will not take effect.

DATES: *Comments.* We must receive comments by December 12, 2002, unless a hearing is requested by November 22, 2002.

Public Hearing. If anyone contacts us requesting to speak at a public hearing by November 22, 2002, a public hearing will be held on November 27, 2002.

ADDRESSES: *Comments.* By U.S. Postal Service, send comments (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102T), Attention Docket No. A–2001–23, U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. In person or by courier, deliver comments (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102T), Attention Docket No. A–2001–23, Room B–108, U.S. EPA, 1301 Constitution Avenue, NW., Washington, DC 20460. We request a separate copy of each public comment be sent to the contact person listed below (see **FOR FURTHER INFORMATION CONTACT**).

Public Hearing. If a public hearing is held, it will begin at 10 a.m. and will be held at the U.S. EPA new facility complex in Research Triangle Park, North Carolina, or an alternative site nearby. You should contact Ms. JoLynn Collins, U.S. EPA, Research Triangle Park, NC 27711, telephone (919) 541–5671 to request a public hearing, to request to speak at a public hearing, or to find out if a hearing will be held.

Docket. Docket No. A–2001–23 contains supporting information used in developing the proposed amendments. The docket is located at the U.S. EPA, 1301 Constitution Avenue, NW., Washington, DC 20460 in room B–108, and may be inspected from 8:30 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Robert B. Lucas, Waste and Chemical Process Group, Emission Standards Division (C439–03), Office of Air Quality Planning and Standards, U.S. EPA, Research Triangle Park, North Caroline 27711, telephone number (919) 541–0884, electronic mail (e-mail), *lucas.bob@epa.gov.*

SUPPLEMENTARY INFORMATION: For information concerning applicability and rule determinations, contact the appropriate regional representative:

U.S. EPA New England, Director, Air Compliance Programs, 1 Congress Street, Suite 1100 (SEA), Boston, MA 02114–2023. Phone contact: (617) 918–1656. FAX: (617) 918–1112.

U.S. EPA—Region II, Air Compliance Branch, 290 Broadway, New York, NY 10007–1866. Phone (212) 637–3000. FAX: (212) 637–3526.

U.S. EPA—Region III, Chief, Air Enforcement Branch (3AP12), 1650 Arch Street, Philadelphia, PA 19103–2029. Phone: (215) 814–3438. FAX: (215) 814–2134. Region III Office Website: *www.epa.gov/reg3artd/hazpollut/hazairpol.htm.*

U.S. EPA—Region IV, Air and Radiation Technology Branch, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, GA 30303–3104. Phone: (404) 562–9105. FAX: (404) 562–9095.

U.S. EPA—Region V, Air Enforcement and Compliance Assurance Branch (AE17J), 77 West Jackson Boulevard, Chicago, IL 60604–3590. Phone: (312) 353–2088. FAX: (312) 353–8289.

U.S. EPA—Region VI, Chief, Toxics Enforcement Section (∧EN–AT), 1445 Ross Avenue, Dallas, TX 75202–2733. Phone: (214) 665–7224. FAX: (214) 665–2146. Region VI Office Website: *www.epa.gov/region6.*

Region VII, Bill Peterson, U.S. EPA, 726 Minnesota Avenue, Kansas City, KS 66101. Phone: (913) 551–7881. FAX: (913) 551–7467.

U.S. EPA—Region VIII, MACT Enforcement, 999 18th Street, Suite

500, Denver, Colorado 80202. Phone: (303) 312–6312. FAX: 303–312–6409.

U.S. EPA—Region IX, Air Division, 75 Hawthorne Street, San Francisco, CA 94105. Phone: (415) 744–1219. FAX: (415) 744–1076.

U.S. EPA—Region X, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101. Phone: (206) 553–4273. FAX: (206) 553–0110.

If no relevant adverse comments are received on the proposed amendments, no further action will be taken on the proposed amendments, and the direct final rule in the Rules and Regulations section of today's **Federal Register** will automatically become effective on the date specified in the direct final rule. If relevant adverse comments are received on the proposed amendments, we will publish a withdrawal action before the effective date of the direct final amendments indicating which provisions are being withdrawn. If all or part of the direct final amendments are withdrawn, all public comments received will be addressed in a subsequent final action based on the proposed amendments. We will not institute a second comment period on the subsequent final action. Any parties interested in commenting must do so during this comment period.

For further supplemental information, the rationale, and the specific amendments being proposed, see the information provided in the direct final rule in the Rules and Regulations section of this **Federal Register**.

Comments. Comments and data may be submitted by e-mail to *a-and-r-docket@epa.gov.* Electronic comments must be submitted as an ASCII file to avoid the use of special characters and encryption problems and will also be accepted on disks in WordPerfect® format. All comments and data submitted in electronic form must note the docket number: A–2001–23. No confidential business information (CBI) should be submitted by e-mail. Electronic comments may be filed online at many Federal Depository Libraries.

Commenters wishing to submit proprietary information for consideration must clearly distinguish such information from other comments and label it as CBI. Send submissions containing such proprietary information directly to the following address, and not to the public docket, to ensure that proprietary information is not inadvertently placed in the docket: Attention Mr. Robert Lucas, c/o OAQPS Document Control Officer (C404–02), U.S. EPA, 109 TW Alexander Drive, Research Triangle Park, NC 27711. The EPA will disclose information identified as CBI only to the extent allowed by the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies a submission when it is received by EPA, the information may be made available without further notice to the commenter.

Docket. The docket is an organized and complete file of all the information considered by EPA in the development of the proposed amendments. The docket is a dynamic file because information is added throughout the rulemaking process. The docketing system is intended to allow you to readily identify and locate documents so you can effectively participate in the rulemaking process. Along with the proposed and promulgated rules and their preambles, the contents of the docket will serve as the record in the case of judicial review. (See section 307(d)(7)(A) of the CAA.) The regulatory text and other materials related to the proposed amendments are available for review in the docket or copies may be mailed on request from the Air Docket by calling (202) 566–1742. We may charge a reasonable fee for copying docket materials.

You may also obtain docket indexes by facsimile as described on the Office of Air and Radiation, Docket and Information Center Website at *http://www.epa.gov/airprogram/oar/docket/faxlist.html. Worldwide Web (WWW).* In addition to being available in the docket, an electronic copy of the proposed amendments will also be available on the WWW. Following signature, a copy of the proposed amendments will be posted on the Technology Transfer Network (TTN) policy and guidance page for newly proposed or promulgated rules at *http://www.epa.gov/ttn/oarpg.* The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541–5384.

Regulated Entities. Categories and entities potentially regulated by this action include:

Category	SIC code	NAIC	Examples of regulated code entities
Industry	2800's 2911 3312 4925 4953 9511	32512–325182 32411 331111 22121 562211 324110	Chemical manufacturing plants, petroleum refineries, coke by-product recovery plants, and commercial hazardous waste treatment, storage, and disposal facilities that manage waste generated by these industries.
Federal government			Not affected.
State/local/tribal government.			Not affected.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether your facility is regulated by this action, you should examine the applicability criteria in 40 CFR 61.340 of the NESHAP for benzene waste operations. If you have any questions regarding the applicability of this action to a particular entity, consult the appropriate person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Administrative Requirements

For a complete discussion of all of the administrative requirements applicable to this action, see the direct final rule in the Rules and Regulations section of the **Federal Register**.

Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 *et seq.*

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a

substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

The EPA determined that it is not necessary to prepare a regulatory flexibility analysis for the proposed amendments. The EPA has also determined that the proposed amendments will not impose a significant impact on a substantial number of small entities. There are few small entities in the industries required to meet the NESHAP for benzene waste operations, and it is unlikely that the regulated facilities are owned by small entities (55 FR 8340, March 7, 1990). In addition, the standard contains a cutoff for applicability of control requirements for sources generating small quantities of benzene waste. Therefore, a substantial number of small entities are not regulated by the proposed amendments. In addition, none of the facilities (large or small) are expected to experience any increase in compliance costs as a result of the proposed amendments. Therefore, pursuant to the provisions of 5 U.S.C. 605(b), it has been determined that the proposed amendments will not have a significant economic impact on a substantial number of small entities.

List of Subject in 40 CFR Part 61

Environmental protection, Air pollution control, Recordkeeping and reporting requirements.

Dated: November 1, 2002.

Christine Todd Whitman,

Administrator.

[FR Doc. 02–28500 Filed 11–8–02; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 52a

RIN 0925–AA24

National Institutes of Health Center Grants

AGENCY: National Institutes of Health, Department of Health and Human Services.

ACTION: Notice of proposed rulemaking.

SUMMARY: The National Institutes of Health (NIH) is proposing to amend its regulations governing center grants to reflect their applicability to several new grant programs including, research on autism, Alzheimer's disease research, fragile X disease research, and minority health disparities research and other health disparities research.

DATES: Comments must be received on or before January 13, 2003, in order to ensure that NIH will be able to consider the comments in preparing the final rule.

ADDRESSES: Comments should be sent to Jerry Moore, NIH Regulations Officer, Office of Management Assessment, NIH, 6011 Executive Boulevard, Room 601, MSC 7669, Rockville, MD 20892, Comments may also be sent electronically by FAX (301–402–0169) or email *jm40z@nih.gov.*

FOR FURTHER INFORMATION CONTACT: Jerry Moore at the address above or telephone (301–496–4607, not a toll-free number).

SUPPLEMENTARY INFORMATION: On October 17, 2000, the United States Congress enacted the Children's Health Act of 2000 (Pub. L. 106–310). Section 101 of Public Law 106–310 amended the PHS Act by adding a new section 409C (42 U.S.C. 284g) concerning research on autism. Section 409C authorizes the Director of the National Institutes of Health, through the Director of the National Institute of Mental Health, to make awards of grants and contracts to public or nonprofit private entities to pay all or part of the costs of planning, establishing, improving, and providing basic operating support for centers of excellence regarding research on autism.

On November 13, 2002, the United States Congress enacted the Public Health Improvement Act (Pub. L. 106–505). Section 801 of Public Law 106–505 amended the PHS Act by adding a new section 445I (42 U.S.C. 285e–10a) concerning Alzheimer's clinical research and training awards. More specifically, section 445I authorizes the Director of the National Institute on Aging to establish and maintain a program to enhance and promote the translation of new scientific knowledge into clinical practice related to the diagnosis, care and treatment of individuals with Alzheimer's disease. Amounts made available under the program must be directed to the support of promising clinicians through awards for research, study, and practice at centers of excellence in Alzheimer's disease research and treatment in environments of demonstrated excellence in neuroscience, neurobiology, geriatric medicine, and psychiatry.

Additionally, section 201 of Public Law 106–310 amended the PHS Act by adding a new section 452E (42 U.S.C. 285g–9) concerning research on the disease known as fragile X. Section 201 authorizes the Director of the National Institute of Child Health and Human Development to make grants or enter into contracts for the development and operation of centers to conduct research for the purposes of improving the diagnosis and treatment of, and finding the cure for, fragile X.

On November 22, 2000, the United States Congress enacted the Minority Health and Health Disparities Research and Education Act of 2000 (Pub. L. 106–525). Section 102 of Public Law 106–525 amended the PHS Act by adding a new section 485F (42 U.S.C. 287c–32) concerning centers for minority health and health disparities related-research, education and training. Section 485F authorizes the Director of the National Center on Minority Health and Health Disparities to make awards of grants or contracts to designated biomedical and behavioral research institutions or consortia for the purpose of assisting the institutions in supporting programs of excellence in biomedical and behavioral research training for individuals who are members of minority health disparity populations or other health disparity populations. The grants must be expended to train members of minority health disparity populations or other health disparity populations as professionals in the area of biomedical or behavioral research or both; or to expand, remodel, renovate, or alter existing research facilities or construct new research facilities for the purpose of conducting minority health disparities research and other health disparities research.

We propose to amend § 52a.1, § 52a.2, and § 52a.3 of the regulations governing NIH center grants to reflect these new authorities. Additionally, we are proposing to amend § 52a.8 to update the organizational reference for the Public Health Service Policy on Humane Care and Use of Laboratory Animals. We provide the following information for the public.

Executive Order 12866

Executive Order 12866, Regulatory Planning and Review, requires that all regulatory actions reflect consideration of the costs and benefits they generate, and that they meet certain standards, such as avoiding the imposition of unnecessary burdens on the affected public. If a regulatory action is deemed to fall within the scope of the definition of the term ''significant regulatory action'' contained in section 3(f) of the Order, review by the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) prior to publication is necessary. The OIRA reviewed this proposed rule under Executive Order 12866 and deemed it not significant.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. chapter 6) requires that regulatory proposals be analyzed to determine whether they create a significant impact on a substantial number of small entities. The Secretary certifies that any final rule resulting from this proposal will not have any such impact.

Executive Order 13132

Executive Order 13132, Federalism, requires that Federal agencies consult with State and local government officials in the development of regulatory policies with federalism implications. The NIH Director reviewed the proposed rule as required under the Order and determined that it does not have any federalism implications. The Secretary certifies that the proposed rule will not have an effect on the States or on the distribution of power and responsibilities among various levels of government.

Paperwork Reduction Act

This proposed rule does not contain any information collection requirements that are subject to OMB approval under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

Catalogue of Federal Domestic Assistance

The Catalogue of Federal Domestic Assistance (CFDA) numbered programs affected by this proposed rule are:

93.173 Multipurpose Deafness and Other Communication Disorders Centers
93.242 Mental Health Research Grants
93.279 Drug Abuse Research Programs
93.397 Cancer Centers Support
93.837 Heart and Vascular Diseases Research
93.838 Lung Diseases Research
93.839 Blood Diseases and Resources Research
93.846 Arthritis, Musculoskeletal, and Skin Diseases Research
93.847 Diabetes, Endocrinology, and Metabolism Research
93.848 Digestive Diseases and Nutrition Research
93.849 Kidney Diseases, Urology and Hematology Research
93.855 Allergy, Immunology and Transplantation Research
93.856 Microbiology and Infectious Diseases Research
93.864 Population Research
93.865 Research for Mothers and Children
93.866 Aging Research
93.981 Alcohol Research Center Grants

List of Subjects in 42 CFR Part 52a

Grant programs—health; Medical research.

Dated: August 12, 2002.

Elias A. Zerhouni,

Director, National Institutes of Health.

Approved: October 30, 2002.

Tommy G. Thompson,

Secretary.

For the reasons set forth in the preamble, subchapter D, chapter I of title 42 of the Code of Federal Regulations is amended as set forth below.

PART 52a—National Institutes of Health Center Grants

1. The authority citation of part 52a would be revised to read as follows:

Authority: 42 U.S.C. 216, 284g, 285a–6(c)(1)(E), 285a–7(c)(1)(G), 285b–4, 285c–5, 285c–8, 285d–6, 285e–2, 285e–3, 285e–10a, 285f–1, 285g–5, 285g–7, 285g–9, 285m–3, 285o–2, 286a–7(c)(1)(G), 287c–32(c), 300cc–16.

2. Section 52a.1 would be amended by revising paragraph (a) to read as follows:

§ 52a.1 To which programs do these regulations apply?

(a) The regulations of this part apply to grants by the National Institutes of Health and its organizational components to support the planning, establishment, expansion, and operation of research and demonstration an/or multipurpose centers in health fields described in this paragraph. Specifically, these regulations apply to:

(1) National Institute of Mental Health centers of excellence with respect to research on autism, as authorized by section 409C of the Act (42 U.S.C. 284g);

(2) National cancer research and demonstration centers (including payments for construction, as authorized by section 414 of the Act (42 U.S.C. 285a–3);

(3) National cancer research and demonstration centers with respect to breast cancer, as authorized by section 417 of the Act (42 U.S.C. 285a–6);

(4) National cancer and demonstration centers with respect to prostate cancer, as authorized by section 417A of the Act (42 U.S.C. 285a–7);

(5) National research and demonstration centers for heart, blood vessel, lung, and blood diseases, sickle cell anemia, blood resources, and pediatric cardiovascular diseases (including payments for construction), as authorized by 422 of the Act (42 U.S.C. 485b–4);

(6) Research and training centers (including diabetes mellitus, and digestive, endocrine, metabolic, kidney and urologic diseases), as authorized by section 431 of the Act (42 U.S.C. 285c–5);

(7) Research and training centers regarding nutritional disorders, as authorized by section 434 of the Act (42 U.S.C. 285c–8);

(8) Multipurpose arthritis and musculoskeletal diseases centers (including payments for alteration, but not construction), as authorized by section 441 of the Act (42 U.S.C. 285d–6);

(9) Alzheimer's disease centers, as authorized by section 445 of the Act (42 U.S.C. 285e–2);

(10) Claude D. Peppers Older Americans Independence Centers, as authorized by section 445A of the Act (42 U.S.C. 285e–3);

(11) Centers of excellence in Alzheimer's disease research and treatment, as authorized by section 445I of the Act (42 U.S.C. 285e–10a);

(12) Research centers regarding chronic fatigue syndrome, as authorized by section 447 of the Act (42 U.S.C. 285f–1);

(13) Research centers with respect to contraception and infertility, as authorized by section 452A of the Act (42 U.S.C. 285g–5);

(14) Child health research centers, as authorized by section 452C of the Act (42 U.S.C. 285g–7);

(15) Fragile X research centers, as authorized by 452E of the Act (42 U.S.C. 285g–9);

(16) Multipurpose deafness and other communication disorders centers, as authorized by section 464C of the Act (42 U.S.C. 285m–3);

(17) National drug abuse research centers, as authorized by section 464N of the Act (42 U.S.C. 285o–2);

(18) Centers of excellence in biomedical and behavioral research training for individuals who are members of minority health disparity populations or other health disparity populations, as authorized by section 485F of the Act (42 U.S.C. 287c–32); and

(19) Centers for acquired immunodeficiency syndrome research, as authorized by section 2316 of the Act (42 U.S.C. 300cc–16).

* * * * *

3. Section 52a.2 would be amended by revising the definition of *Center* to read as follows:

§ 52a.2 Definitions.

As used in this part:

* * * * *

Center means:

(a) For purposes of grants authorized by section 409C of the Act, a public or nonprofit private entity which provides for planning and conducting basic and clinical research into the cause, diagnosis, early detection, prevention,

control, and treatment of autism, including the fields of developmental neurobiology, genetics, and psychopharmacology;

(b) For purposes of grants authorized by section 414 of the Act, an agency or institution which provides for planning and conducting basic and clinical research into, training in, and demonstration of advanced diagnostic, control, prevention and treatment methods for cancer;

(c) For purposes of grants authorized by section 417 of the Act, an agency or institution which provides for planning and conducting basic, clinical, epidemiological, psychological, prevention and treatment research and related activities on breast cancer;

(d) For purposes of grants authorized by section 417A of the Act, an agency or institution which provides for planning and conducting basic, clinical, and epidemiological, psychosocial, prevention and control, treatment, research, and related activities on prostate cancer;

(e) For purposes of grants authorized by section 422 of the Act, an agency or institution which provides for planning and basic and clinical research into, training in, and demonstration of, management of blood resources and advanced diagnostic, prevention, and treatment methods (including emergency services) for heart, blood vessel, lung, or blood diseases including sickle cell anemia;

(f) For purposes of grants authorized by section 431 of the Act, a single institution or a consortium of cooperating institutions, which conducts research, training, information programs, epidemiological studies, data collection activities and development of model programs in diabetes mellitus and related endocrine and metabolic diseases;

(g) For purposes of grants authorized by section 434 of the Act, a single institution or a consortium of cooperating institutions, which conducts basic and clinical research, training, and information programs in nutritional disorders, including obesity;

(h) For purposes of grants authorized by section 441 of the Act, a facility which conducts basic and clinical research as well as research into arthritis and musculosketal diseases; orthopedic procedures, training, and information programs for the health community and the general public;

(i) For purposes of grants authorized by section 445 of the Act, a public or private nonprofit entity (including university medical centers) which conduct basic and clinical research (including multidisciplinary research) into, training in, and demonstration of advanced diagnostic, prevention, and treatment methods for Alzheimer's disease;

(j) For purposes of grants authorized by section 445A of the Act, a single public or private nonprofit institution or entity or a consortium of cooperating institutions or entities which conduct research into the aging processes and into the diagnosis and treatment of diseases, disorders, and complications related to aging, including menopause, which research includes research on such treatments, and on medical devices and other medical interventions regarding such diseases, disorders, and complications, that can assist individuals in avoiding institutionalization and prolonged hospitalization and in otherwise increasing the independence of the individuals.

(k) For the purposes of section 445I of the Act, a single institution or consortium of cooperating institutions which conducts basic and clinical research on Alzheimer's disease.

(*l*) For purposes of grants authorized by section 447 of the Act, a single institution or consortium of cooperating institutions which conducts basic and clinical research on chronic fatigue syndrome;

(m) For purposes of grants authorized by section 452A of the Act, a single institution or consortium of cooperating institutions which conducts clinical and other applied research, training programs, continuing education programs, and information programs with respect to methods of contraception and infertility;

(n) For purposes of grants authorized by section 452C of the Act, an agency or institution which conducts research with respect to child health, and gives priority to the expeditious transfer of advances from basic science to clinical applications and improving the care of infants and children;

(o) For purposes of grants authorized by section 452E of the Act, a single institution or a consortium of cooperating institutions which conducts research for the purposes of improving the diagnosis and treatment of, and finding the cure for, fragile X;

(p) For purposes of grants authorized by section 464C of the Act, a single institution or a consortium of cooperating institutions which conducts basic and clinical research into, training in, information and continuing education programs for the health community and the general public about, and demonstration of, advanced diagnostic, prevention, and treatment methods for disorders of hearing and other communication processes and complications resulting from these disorders;

(q) For purposes of grants authorized by section 464N of the Act, institutions designated as National Drug Abuse Research Centers for interdisciplinary research relating to drug abuse and other biomedical, behavioral, and social issues related to drug abuse;

(r) For purposes of grants authorized by section 485F of the Act, a biomedical or behavioral research institution or consortia that:

(1) has a significant number of members of minority health disparity populations or other health disparity populations enrolled as students in the institution (including individuals accepted for enrollment in the institution);

(2) has been effective in assisting such students of the institution to complete the program of education or training and receive the degree involved;

(3) has made significant efforts to recruit minority students to enroll in and graduate from the institution, which may include providing means-tested scholarships and other financial assistance as appropriate; and

(4) has made significant recruitment efforts to increase the number of minority or other members of health disparity populations serving in faculty or administrative positions at the institution; or

(s) For the purposes of grants authorized in section 2316 of the Act, an entity for basic and clinical research into, and training in, advanced diagnostic, prevention, and treatment methods for acquired immunodeficiency syndrome.

4. Section 52a.3 would be amended by revising paragraphs (a) and (b) to read as follows:

§ 52a.3 Who is eligible to apply?

(a) Any public or private nonprofit agency, institution, or consortium of agencies is eligible to apply for a grant under sections 409C, 414, 417, 417A, 422, 445, 445A, 445I, 447, 452A, and 2316 of the Act.

(b) Any public or private nonprofit or for-profit agency, institution, or consortium of agencies is eligible to apply for a grant under sections 428, 431, 434, 441, 452C, 452E, 464C, 464J, 464N, and 485F of the Act.

(c) * * *

5. Section 52a.8 would be amended by revising the last entry and the Note to read as follows:

§ 52a.8 Other HHS regulations and policies that apply.

* * * * *

Public Health Service Policy on Humane Care and Use of Laboratory Animals, Office of Laboratory Animal Welfare, Office for Extramural Research, NIH (revised September 1986).

Note: This policy is subject to change, and interested persons should contact the Office of Laboratory Animal Welfare, Office for Extramural Research, NIH, Rockledge 1, 6705 Rockledge Drive, Bethesda, Maryland 20817, telephone 301–594–2382 (not a toll-free number) to obtain references to the current version and any amendments.)

[FR Doc. 02–28292 Filed 11–8–02; 8:45 am]

BILLING CODE 4140–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1825

RIN 2700–AC33

Trade Agreements Act—Exception for U.S.-Made End Products

AGENCY: National Aeronautics and Space Administration.

ACTION: Proposed rule.

SUMMARY: NASA is proposing to amend the NASA FAR Supplement (NFS) to implement the determination of the Assistant Administrator for Procurement that, for procurements subject to the Trade Agreements Act, it would be inconsistent with the public interest to apply the Buy American Act for U.S.-made end products that are substantially transformed in the United States.

DATES: Comments should be submitted on or before January 13, 2003.

ADDRESSES: Interested parties should submit written comments to Patrick Flynn, NASA Headquarters, Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546. Comments may also be submitted by e-mail to *pflynn@hq.nasa.gov.*

FOR FURTHER INFORMATION CONTACT: Patrick Flynn, (202) 358–0460; e-mail: *pflynn@hq.nasa.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

On September 13, 2002, the Assistant Administrator for Procurement determined that, for procurements subject to the Trade Agreements Act, it would be inconsistent with the public interest to apply the Buy American Act to U.S.-made end products that are substantially transformed in the United Sates. The September 13, 2002, determination is consistent with Federal Acquisition Regulation policy and the Department of Defense policy with regard to the treatment of U.S.-made end products.

This proposed rule implements the September 13, 2002, determination. This proposed rule will simplify evaluation of offers in acquisitions subject to the Trade Agreements Act, because it will no longer be necessary to determine if a U.S.-made end product is also a domestic end product, *i.e.*, the cost of domestic components exceeds the cost of all components by more than 50 percent.

This proposed rule is not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This proposed rule is not expected to have a significant economic impact on a substantial number of small entities with the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because NASA has few acquisitions subject to the Trade Agreements Act in which small businesses proposing domestic end products have received a percent price evaluation preference over offers of U.S.-made end products for which the cost of foreign components exceeds the cost of domestic components by 50 percent or more.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes do not impose any new recordkeeping or information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.* This proposed rule would eliminate the requirement for offerors to track and document the origin of components of U.S.-made end products in acquisitions subject to the Trade Agreements Act in order to comply with the FAR.

List of Subjects in 48 CFR Part 1825

Government procurement.

Tom Luedtke,

Assistant Administrator for Procurement.

Accordingly, 48 CFR part 1825 is amended as follows:

1. The authority citation for 48 CFR Part 1825 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1)

PART 1825—FOREIGN ACQUISITION

1825.103 [Amended]

2. Amend section 1825.103 by adding paragraph (a)(iii) to read as follows:

1825.103 Exceptions.

(a) * * *

(iii) The Assistant Administrator for Procurement has determined that for procurements subject to the Trade Agreements Act, it would be inconsistent with the public interest to apply the Buy American Act to U.S.-made end products that are substantially transformed in the United States.

1825.1101 [Amended] (NASA supplements paragraph (c)(1))

3. Amend section 1825.1101 by adding paragraph (c)(1) to read as follows:

1825.1101 Acquisition of supplies.

(c)(1) NASA has determined that the restrictions of the Buy American Act are not applicable to U.S.-made end products.

* * * * *

[FR Doc. 02–28542 Filed 11–8–02; 8:45 am]

BILLING CODE 7510–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Denial of Petition for Rulemaking; Federal Motor Vehicle Safety Standards

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

ACTION: Denial of petition for rulemaking.

SUMMARY: This document denies the petition submitted by Valeo, an automotive lighting company in Bobigny, France, to amend Federal Motor Vehicle Safety Standard (FMVSS) No. 108, ''Lamps, Reflective Devices, and Associated Equipment,'' to allow headlamps with upper beam contributors to have horizontal and vertical aiming capabilities that are separate from the lower beam contributors.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Flanigan, Office of Rulemaking, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Mr. Flanigan's telephone number is: (202) 366–4918. His facsimile number is (202) 366–4329.

SUPPLEMENTARY INFORMATION: By a letter dated March 2, 2000, Valeo petitioned the agency to allow visually/optically aimable (VOA) headlamps that have upper beam contributors optically combined with lower beam

contributor(s) to have their own horizontal and vertical aiming mechanisms. None of these upper beam contributor(s) would be a lower beam contributor. Additionally Valeo stated that the light-emitting surface of each of these upper beam contributors would be marked ''VO.''

Currently, paragraphs S7.8.5.3(5)(c) and (d) of FMVSS No. 108 require that, if the upper beam is combined in a headlamp with a lower beam, the vertical and horizontal aim shall not be changed from the aim set using the procedures set forth for aiming of the lower beam. The effect of this requirement is that, as with previous headlamps that have both a lower and upper beam, aiming the lower beam simultaneously aims the upper beam. As such, the complex headlamp is as easy to aim as a simple one. This promotes correct aim to improve seeing, while minimizing glare.

Background

Proper aim is required to ensure that headlamps installed on motor vehicles fulfill the safety functions required by Federal law. There are three principal methods of aiming headlamps. The first is visual and is done by projecting the beam onto a vertical surface and then adjusting the headlamp to an appropriate position. An observer determines this position. The second is optical and is done by projecting the beam into an optical device that is placed in front of the headlamp and then adjusting the headlamp until the beam conforms to the appropriate parameters. Lamps utilizing these two methods are termed visual/optical aim (VOA) headlamps.

The third method of aim is mechanical and is done without activation of the headlamp. In this case, the proper aim is determined through the use of mechanical equipment, either external to the headlamp housing or provided as part of the headlamp. External mechanical aim was introduced in 1955 by the automotive industry in response to aiming concerns expressed by the States. These concerns were related to the inability of the first two methods to provide accurate and repeatably correct aim at that time.

The ability of motor vehicle headlamps to be mechanically aimed has been a requirement of FMVSS No. 108 from its effective date of January 1, 1968. Mechanical aiming was necessary because accurate and reliable visual or optical aim of the lower beam pattern in use in the United States at that time was difficult to achieve. Sealed beam headlamps, the only type permitted until 1983, are required to have one of four aiming pad patterns on the lens for mechanical aiming. These patterns consist of three raised aiming pads arranged as a triangle at specified points on the lens that create a precise interface between the headlamp and a mechanical aiming device attached to the headlamp during the aiming verification process. The mechanical aiming device provides information so that the aiming planes of the headlamps on each side of the vehicle can be adjusted to be parallel with each other and perpendicular to the road surface. Because a headlamp's beam pattern is designed to be correctly aimed when the aiming plane is oriented as stated, the beam pattern can be accurately and repeatably aimed without the need for illuminating the headlamp.

With the advent of replaceable bulb headlamps in 1983, restrictions on the size and shape of headlamps were no longer required. While two additional configurations of mechanical aiming pads were permitted, not all headlamp designs could accommodate them. In response to this problem, the agency has allowed vehicle headlamp aiming devices (VHAD) since June 8, 1989. VHAD is an alternative method of mechanical aim that is not dependent upon an externally applied mechanical device. It is accomplished by mechanical aiming equipment on the vehicle itself.

As a consequence, the vehicle industry requested that the agency allow VOA headlamps, provided that significant visual cues in the beam pattern were added to assure accuracy. Subsequently, VOA headlamps became part of FMVSS No. 108, and headlamps meeting new beam pattern photometric requirements were developed. These headlamps have a beam pattern that is relatively insensitive to modest horizontal misaim. VOA headlamps were allowed based on comments to the agency that vehicles could be built with such close tolerances that no horizontal aim adjustment was necessary. Additionally, no useful visual cue for horizontal aiming exists. Consequently, because no visual cue was available for the purpose of horizontal aiming, the agency did not permit any horizontal movement of VOA headlamps. The lamp is essentially correctly aimed, horizontally, as installed. As an alternative, horizontal-aiming VHADs were permitted on VOA headlamps to meet European specifications that require both a horizontal and vertical aim adjustment. Thus, to be sold in both the European and U.S. markets, a headlamp needs both a horizontal and vertical aiming screw. A VOA headlamp intended for use only in the U.S. market need only have the vertical one.

Petitioner's Rationale

Valeo asserted that the rationale for the current requirements was derived in the 1980s when headlamps with replaceable light sources were first introduced into Federal regulations. At that time, headlamps were not as large as today. Because the majority of these lamps had a flat, rectangular appearance, there were few aspect-related issues. However, today's headlamps have many cavities and are more contoured to the shape of the vehicle body. They also can have somewhat vertical shapes. Because of these characteristics, the orientation of the upper and lower beam contributors becomes more critical to the appearance of the vehicle. On the VOA lamps Valeo is contemplating, the cavities producing the lower beam have vertical aiming capability. However, they would have no horizontal aiming capability unless it is of the VHAD type. When the vertical aim on the lower beam is adjusted, unsightly gaps can be generated in the area between the headlamp housing and the vehicle body. By adding a separate aiming mechanism for the upper beam, these gaps could be eliminated.

Valeo stated that these additional aiming mechanisms on the upper beam would not modify the accuracy of the aim of the lower beam function. Further, it would not modify the accuracy of the aim of the upper beam if lower and upper beam contributors can be illuminated separately. Separate illumination allows the ''hot spot'' of both the upper and lower beam contributors to be placed at the HV point.

Valeo stated that another merit of its petition is that of international harmonization. European regulations do not preclude separate upper and lower beam aiming mechanisms. If the petition was granted and FMVSS No. 108 amended, it would then be possible for manufacturers to produce only one category of headlamp for the whole world market resulting in substantial savings for manufacturers in both tooling costs and manufacturing organization.

Agency Analysis

As part of the justification for amendments allowing VOA headlamps in 1996, vehicle manufacturers indicated that they needed no horizontal aim adjustment because of the present accuracy of vehicle assembly and headlamp positioning on the assembly line. Because of this, and the fact that no reliable scientific

method of achieving horizontal VOA has been determined, two major changes were made to FMVSS No. 108 relating to VOA headlamps: (1) The beam was made to be much wider and much less sensitive to horizontal misaim and, (2) no horizontal aiming screws or mechanisms other than a horizontal VHAD were permitted. Valeo needs separate aim adjustments to be incorporated for the upper beam contributors to maintain a uniform gap around the headlamp housing. As a consequence, it has petitioned to amend the standard to allow the upper beams to have their own horizontal and vertical aiming capabilities. In addition, to make the consumer aware of these additional aiming systems, Valeo recommended that the light emitting surface of each upper beam contributor be marked ''VO.''

In 1996, a Regulatory Negotiation Committee that included representatives of foreign manufacturers worked with the agency over many months to achieve a consensus on all issues and the specific text of the amendment to FMVSS No. 108 to allow VOA headlamps. Because the present aiming requirements, as applied to VOA, were part of that consensus agreement, the agency is reluctant to change these requirements, absent a compelling safety reason to do so.

During the negotiated rulemaking, all of the vehicle manufacturers represented on the committee stated that they were capable of building vehicles as accurately as needed to install VOA headlamps. However, this degree of precision in assembly adds cost.

Valeo's petition is based on two rationales. The first is a desire to have an aesthetically pleasing headlamp by overcoming inaccuracies in the design and assembly of motor vehicles such that the headlamp housing may be purposefully misaimed, within a certain range, to help assure the desired visually symmetric size of the gap between the vehicle body and the headlamp or between the headlamp reflector and the surrounding headlamp housing. The second is to achieve harmonization with European standards.

Given Valeo's, as well as other manufacturers', desire for alternative aiming systems, the agency believes it is incumbent on Valeo and the industry to develop a single, objective method for vertical and horizontal aiming all VOA headlamps which could be incorporated into FMVSS No. 108. The agency does not intend to assess individual manufacturer's petitions for alternatives to the current requirements. The agency recently used a similar rationale to deny a petition from Federal-Mogul Lighting Products (Federal-Mogul) (66 FR 42985). Federal-Mogul petitioned to amend FMVSS No. 108 to allow headlamps that are aimed visually or optically to have a horizontal adjuster system that does not have the required ±2.5 degree horizontal adjustment range or the VHAD indicator required by the standard. In addition, the agency does not expect to give up the value that simultaneous beam aim provides. The agency believes that having simply aimed headlamps generally promotes more correctly aimed headlamps in the field. This is especially important, given the low incidence of periodic headlamp aim inspection in the United States and the likely lower level of experience of the service and inspection technicians and the public.

In accordance with 49 CFR part 552, the agency has reviewed the petition and concluded that it should not be granted. Accordingly, it denies Valeo's petition.

(49 U.S.C. 30118(d) and 30120(h); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on October 31, 2002.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 02–28558 Filed 11–8–02; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 021017237–2237–01; I.D. 090302F]

RIN 0648–AQ51

Protocol for Access to Tissue Specimen Samples from the National Marine Mammal Tissue Bank

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

ACTION: Proposed rule.

SUMMARY: The NMFS proposes to make available tissue specimen samples to the scientific community for research that is consistent with the goals of the National Marine Mammal Tissue Bank (NMMTB) and the Marine Mammal Health and Stranding Response Program (MMHSRP). The intent of this proposed rule is to allow the scientific community the opportunity to comment on the protocol for requests for tissue specimen samples from the NMMTB.

DATES: Comments must be received by 5 p.m. EST on December 12, 2002. Comments transmitted via e-mail will not be accepted.

ADDRESSES: Submit your comment(s) to Marine Mammal Health and Stranding Response Program (MMHSRP), Program Manager, NOAA, NMFS, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910–3282. Comments may also be sent via facsimile (fax) to 301–713–0376. To submit e-Comments (see **SUPPLEMENTARY INFORMATION**.)

FOR FURTHER INFORMATION CONTACT: Dr. Teri Rowles, Marine Mammal Health and Stranding Response Program, 301–713–2322 ext 178.

SUPPLEMENTARY INFORMATION:

E-Comments Pilot Program

NMFS encourages the public to participate in this proposed rulemaking by submitting comments. To this end, NMFS is accepting comments by submitted mail, fax, and the Internet as part of its e-Comments pilot project (see **ADDRESSES**). The e-Comments pilot project is designed to introduce electronic rulemaking to NMFS an its constituents. The public is encouraged to use the new web site to compose and submit comments on this proposed rule and the associated supporting documents to help NMFS fully evaluate this new technology. In submitting comments, please include your name and address, indicate if you are commenting on the proposed rule or other rulemaking documents, and give the reason for each comment. If you are commenting on the proposed rule, indicate to which specific section each comment applies. NMFS also invites public comments on the e-Comments program that allows you to submit your comments on line. NMFS will consider all comments received during the comment period, regardless of how they were submitted, and NMFS may make changes in the final rule in consideration of them. Please submit your comments by only one means. Comments received from the public will become part of the public record and will be posted on the e-Comments web site http://ocio.nmfs.noaa.gov/ibrm-ssi/index.shtml after the comment period closes.

Electronic Access

Several of the background documents for the MMHSRP and the NMMTB Specimen Access Policy can be downloaded from the Health and Stranding Response Program web site at

http://www.nmfs.noaa.gov/prot__res/.PR2.

Background

The NMMTB was established in 1992 and provides protocols, techniques, and physical facilities for the long-term storage of tissues from marine mammals. Scientists can request tissues from this repository for retrospective analyses to determine environmental trends of contaminants and other analytes of interest. The NMMTB is currently managed in collaboration with the National Institute of Standards and Technology (NIST) and is housed at the Hollins Marine Laboratory in Charleston, SC and the NIST campus in Gaithersburg, MD as part of the National Biomonitoring Specimen Bank. The NMMTB collects, processes, and stores tissues from specific indicator species (e.g., Atlantic bottlenose dolphins, Atlantic white sided dolphins, pilot whales, harbor porpoise), animals from mass strandings, animals that have been obtained incidental to commercial fisheries, animals taken for subsistence purposes, biopsies, and animals from unusual mortality events.

Each tissue specimen consists of duplicate samples (denoted A and B) of approximately 150 g. each. These duplicate samples are banked in the NMMTB in separate liquid nitrogen vaporphase freezers and are maintained at -150oC. When a portion of a tissue specimen is requested for analysis, the ''B'' sample of that specimen can be cryogenically homogenized and aliquoted into approximately 20 subsamples of 6 to 8 g. each. The ''A'' sample of each specimen remains as a bulk sample and will only be homogenized after all portions from the corresponding ''B'' sample have been depleted and there is sufficient justification to homogenize the remaining material. Thus, 50 percent of each specimen is available to the scientific community for research and scientific evaluations consistent with the goals of the NMMTB and 50 percent is intended for long-term storage as a more permanent archive for decades. The goal of the NMMTB is to maintain quality controlled marine mammal tissues that will permit retrospective analyses to determine environmental trends of contaminants and other analytes of interest and that will provide the highest quality samples for analyses using new and innovative techniques.

Under 16 U.S.C. 1421*f*, section 407(d)(1) of the Marine Mammal Protection Act, the NMFS must establish criteria for access to marine mammal tissues in the NMMTB and make those criteria available for public review and comment. In addition, NMFS must establish criteria for access to tissue analyses conducted pursuant to 16 U.S.C. 1421f, section 407(b) and data in the central marine mammal data base maintained under 16 U.S.C. 1421*f*, section 407(c). NMFS will establish these additional criteria in subsequent rulemaking.

There is only a very limited amount of samples available and the applicants for tissue specimen samples from the NMMTB will need to demonstrate that their research will fulfill the goals of the NMMTB and MMHSRP and that comparable tissue samples to accomplish the goals of the proposed research could not be readily obtained from other sources. The goal of the MMHSRP is to facilitate the collection and dissemination of reference data on marine mammals and health trends of marine mammal populations in the wild; to correlate the health of marine mammals and marine mammal populations in the wild with available data on physical, chemical, and biological environmental parameters; and to coordinate effective responses to unusual mortality events.

How To Apply

1. Applicants must submit a written request with attached study plan to the MMHSRP Program Manager, NMFS/Office of Protected Resources (see **ADDRESSES**).

2. The following specific information must be included in the request:

a. A clear and concise statement of the proposed use of the banked tissue specimen. The applicant must demonstrate that the proposed use is consistent with the goals of the NMMTB and the MMHSRP.

b. A copy of the applicant's scientific research permit. The applicant must demonstrate that the proposed use of the banked tissue is authorized by the permit,

c. Name of principal investigator, official title, and affiliated research or academic organization;

d. Specific tissue sample and quantity desired;

e. Justification for use of banked tissue;

f. Research facility where analyses will be conducted. The applicant must demonstrate that the research facility will follow the Analytical Quality Assurance program, which was designed to ensure the accuracy, precision, level of detection, and intercompatibility of data resulting from chemical analyses of marine mammal tissues. Standard Reference Materials for use in the analysis of marine mammal tissues can be purchased from the NIST;

g. Estimated date for completion of research, and schedule/date of subsequent reports;

h. Agreement that all research/findings based on use of the banked tissue will be reported to the NMMTB and the MMHSRP Program Manager; and

i. Agreement that credit and acknowledgment will be given to NMFS, U.S. Geologic Service (USGS), NIST, U.S. Fish and Wildlife Service (USFWS), the NMMTB, and the collector for use of banked tissues. The applicant shall insert the following acknowledgment in all publications, abstracts or presentations based on research using the banked tissue:

The specimens used in this study were provided by the National Marine Mammal Tissue Bank, which is maintained in the National Biomonitoring Specimen Bank at NIST and which is operated under the direction of NMFS with the collaboration of USGS, USFWS, and NIST through the Marine Mammal Health and Stranding Response Program [and the Alaska Marine Mammal Tissue Archival Project if the samples are from Alaska].

3. Upon submission of a complete application, the MMHSRP Program Manager will send the request and attached study plan to the following entities which will function as the review committee:

a. Appropriate Federal agency (NMFS or USFWS) marine mammal management office for that particular species, and

b. Representatives of the NMMTB Collaborating Agencies (NMFS, USFWS, USGS Biological Resources Division, and NIST).

If no member of the review committee is an expert in the field that is related to the proposed research activity, any member may request an outside review of the proposal, which maybe outside of NMFS or USFWS but within the federal government.

4. Review committees for requests involving species managed by Department of the Interior will be chaired by the USFWS Representative of the NMMTB Collaborating Agencies. All other review committees will be chaired by the MMHSRP Program Manager.

5. Recommendations on the request and an evaluation of the study plan will be provided by each committee chair to the Director, Office of Protected Resources, NMFS.

6. The Director, Office of Protected Resources, NMFS, will make the final decision on release of the samples based on the advice provided by the review committee and determination that the proposed use of the banked tissue

specimen sample is consistent with the goals of the MMHSRP and the NMMTB. The Director will send a written decision to the applicant and send copies to all review committee members. If the samples are released, the response will indicate whether the samples have been homogenized and, if not, the homogenization schedule.

7. Shipping and homogenization costs related to the use of any specimens from the NMMTB will be borne by the applicant.

8. The applicant can keep or dispose of the tissue specimen sample after the research is completed.

Classification

This proposed rule contains collection-of-information requirements and, therefore, is subject to the provisions of the Paperwork Reduction Act (PRA). This requirement has been submitted to OMB for approval. Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Applicants will be submitting a written request with attached study plan to the MMHSRP to apply for a tissue specimen sample from the NMMTB. Applicants will also report all research/findings based on use of the banked tissue to the NMMTB and the MMHSRP Program Manager.

Public comment is sought regarding: whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the usti technology. Send comments on these or any other aspects of the collection of information to the Office Of Protected Resources at the ADDRESSES above, and to OMB at the Office of Information and Regulatory Affairs, Office of Management land Budget, Washington, DC. 20503 (Attention: NOAA Desk Officer).

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

This action will not have an adverse effect on marine mammals under the Marine Mammal Protection Act.

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

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

The Chief Counsel for Regulation at the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The facts and purpose of this rule appears in the background section of the preamble and are not repeated here. There are approximately 10,000 that will be eligible to apply for tissue samples under this rule. These entities include both large and small entities such as universities, non-profits, small businesses, and individuals. However, we anticipate that only approximately 10 applicants total will actually request tissues specimen samples. There is no fee for the sample, but there is a cost to the applicant of approximately $3.57 (Postage, $.37 plus copying (20 pages x .16) = $3.57). The copying costs would be the applicant's study plan which they will be submitting. The total for the ten anticipated applicants is $35.70 ($3.57 x 10 applicants = $35.70). Because the costs to applicants are minimal, it is concluded that this rule would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 50 CFR Part 216

Administrative practice and procedure, Confidential business information, Fisheries and Marine mammals, Reporting and record keeping requirements.

Dated: November 4, 2002.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory programs, national Marine Fisheries Service.

For the reasons set out in the preamble, the National Marine Fisheries Service (NMFS) proposes to amend 50 CFR part 216 as follows:

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

1. The authority citation for part 216 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*, unless otherwise noted.

2. Section 216.47 is added to read as follows:

§ 216.47 Access to marine mammal tissue, analyses, and data.

(a) *Applications for the National Marine Mammal Tissue Bank samples (NMMTB).* (1) A principal investigator or holder of a scientific research permit issued in accordance with the provisions of this subpart may apply for access to a tissue specimen sample in the NMMTB. Applicants for tissue specimen samples from the NMMTB must submit a signed written request with attached study plan to the Marine Mammal Health and Stranding Response Program (MMHSRP) Program Manager, NMFS/Office of Protected Resources. The written request must include:

(i) A clear and concise statement of the proposed use of the banked tissue specimen. The applicant must demonstrate that the proposed use is consistent with the goals of the NMMTB and the NMHSRP.

(A) The goals of the NMHSRP are to facilitate the collection and dissemination of reference data on marine mammals and health trends of marine mammal populations in the wild; to correlate the health of marine mammals and marine mammal populations in the wild with available data on physical, chemical, and biological environmental parameters; and to coordinate effective responses to unusual mortality events.

(B) The goal of the NMMTB is to maintain quality controlled marine mammal tissues that will permit retrospective analyses to determine environmental trends of contaminants and other analytes of interest and that will provide the highest quality samples for analyses using new and innovative techniques.

(ii) A copy of the applicant's scientific research permit. The applicant must demonstrate that the proposed use of the banked tissue is authorized by the permit;

(iii) Name of principal investigator, official title, and affiliated research or academic organization;

(iv) Specific tissue sample and quantity desired;

(v) Justification for use of banked tissue;

(vi) Research facility where analyses will be conducted. The applicant must demonstrate that the research facility will follow the Analytical Quality Assurance program, which was designed to ensure the accuracy, precision, level of detection, and intercompatibility of data resulting from chemical analyses of marine mammal tissues;

(vii) Estimated date for completion of research, and schedule/date of subsequent reports;

(viii) Agreement that all research findings based on use of the banked tissue will be reported to the NMMTB and the MMHSRP Program Manager; and

(ix) Agreement that credit and acknowledgment will be given to NMFS, US Geologic Service (USGS), National Institute of Standards and Technology (NIST), U.S. Fish and Wildlife Service (USFWS), the NMMTB, and the collector for use of banked tissues.

(2) The applicant shall report to the MMHSRP Program Manager all research findings based on use of the banked tissue in accordance with the schedule submitted with the application.

(3) The applicant shall insert the following acknowledgment in all publications, abstracts, or presentations based on research using the banked tissue:

The specimens used in this study were provided by the National Marine Mammal Tissue Bank, which is maintained in the National Biomonitoring Specimen Bank at NIST and which is operated under the direction of NMFS with the collaboration of USGS, USFWS, and NIST through the Marine Mammal Health and Stranding Response Program [and the Alaska Marine Mammal Tissue Archival Project if the samples are from Alaska].

(4) Upon submission of a complete application, the MMHSRP Program Manager will send the request and attached study plan to the following entities which will function as the review committee:

(i) Appropriate Federal agency (NMFS or USFWS) marine mammal management office for that particular species; and

(ii) Representatives of the NMMTB Collaborating Agencies (NMFS, USFS, USGS Biological Resources Division, and NIST). If no member of the review committee is an expert in the field that is related to the proposed research activity, any member may request an outside review of the proposal, which maybe outside of NMFS or USFWS but within the Federal Government.

(5) The Director, Office of Protected Resources, NMFS, will make the final decision on release of the samples based on the advice provided by the review committee and determination that the proposed use of the banked tissue specimen is consistent with the goals of the MMHSRP and the NMMTB. The Director will send a written decision to the applicant and send copies to all review committee members.

(6) The applicant will bear all shipping and homogenization costs related to use of any specimens from the NMMTB.

(7) The applicant can keep or dispose of the tissue specimen sample consistent with the provisions of the applicant's scientific research permit after the research is completed.

(b) [Reserved]

[FR Doc. 02–28512 Filed 11–8–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 697

[I.D. 110402A]

Atlantic Coastal Fisheries Cooperative Management Act Provisions; Application for Exempted Fishing Permits (EFPs)

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

ACTION: Notification of a request for EFPs to harvest American lobster; request for comments.

SUMMARY: The Administrator, Northeast Region, NMFS (Regional Administrator) has made a preliminary determination that the subject EFP application contains all the required information and warrants further consideration. The Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of Federal management of the American lobster resource. However, further review and consultation may be necessary before a final determination is made to issue the EFP. Therefore, NMFS announces that the Regional Administrator proposes to issue EFPs that would allow a maximum of six vessels to conduct fishing operations that are otherwise restricted by the regulations governing the American lobster fisheries of the Northeastern United States.

The EFP involves the catching, retaining and dissecting of 200 sub-legal lobsters as part of an ongoing research project to both monitor the offshore lobster fishery and to determine the size at which offshore lobster reach reproductive maturity. The experiment would involve only one experimental trap per vessel, and a total of six vessels, for a 1–month time period in the fall of 2002 and a 1–month time period in the spring of 2003. It would not involve the authorization of any additional trap gear in the area. The six participating commercial fishing vessels will collect detailed abundance and size frequency data on the composition of lobsters in three general offshore study areas in a collaborative effort with the University of New Hampshire (UNH) and the Atlantic Offshore Lobstermen's Association (AOLA) project on an American lobster monitoring and data collection program. Part of this research includes a size at maturity study using lobsters from each of the three study areas. One of the most reliable methods to determine size at maturity involves dissection of the female ovaries and examination of the eggs. This EFP requests that each of the six participating commercial fishing vessels utilize one modified juvenile lobster collector trap each to collect a project total of 200 sub-legal lobsters that would be collected and dissected from the three study areas to accurately determine size at maturity. Therefore, this document invites comments on the issuance of EFPs to allow six commercial fishing vessels utilize a maximum of six modified lobster traps and to collect, and retain a project total of 200 sub-legal American lobsters.

DATES: Comments on this action and application for an EFP for offshore lobster monitoring and data collection must be received on or before November 27, 2002.

ADDRESSES: Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NOAA Fisheries, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope ''Comments on Lobster EFP Proposal''. Comments may also be sent via facsimile (fax) to (978) 281–9117.

FOR FURTHER INFORMATION CONTACT: Bob Ross, Fishery Management Specialist, (978) 281–9234.

SUPPLEMENTARY INFORMATION:

Background

The regulations that govern exempted fishing, at 50 CFR 600.745(b) and 697.22 allow the Regional Administrator to authorize for limited testing, public display, data collection, exploration, health and safety, environmental clean-up, and/or hazardous removal purposes, and the targeting or incidental harvest of managed species that would otherwise be prohibited. An EFP to authorize such activity may be issued, provided there is adequate opportunity for the public to comment on the EFP application, the conservation goals and objectives of Federal management of the American lobster resource are not compromised,

and issuance of the EFP is beneficial to the management of the species.

The American lobster fishery is the most valuable fishery in the northeastern United States. In 2001, approximately 74 million pounds (33,439 metric tons (mt)) of American lobster were landed with an ex-vessel value of approximately $255 million dollars. American lobster experience very high fishing mortality rates and are overfished throughout their range, from Canada to Cape Hatteras. Although harvest and population abundance are near record levels due to high recent recruitment and favorable environmental conditions, there is significant risk of a sharp drop in abundance, and such a decline would have serious implications. Operating under the Atlantic States Marine Fisheries Commission's interstate management process, American lobster are managed in state waters under Amendment 3 to the American Lobster Interstate Fishery Management Plan (Amendment 3). In Federal waters of the Exclusive Economic Zone (EEZ), lobster is managed under Federal regulations at 50 CFR part 697. Amendment 3, and compatible Federal regulations established a framework for area management, which includes industry participation in the development of a management program which suits the needs of each lobster management area while meeting targets established in the Interstate Fisheries Management Program. The industry, through area management teams, with the support of state agencies, have played a vital role in advancing the area management program.

To facilitate the development of effective management tools, extensive monitoring and detailed abundance and size frequency data on the composition of lobsters throughout the range of the resource are necessary. One of the main tools of regulation implemented throughout the lobster fishery has been the imposition of a minimum lobster carapace size limit. The purpose of implementing a minimum carapace size is to allow females to reach sexual maturity before they can be legally landed. This minimum carapace size limit attempts to approximate the size at which 50 percent of female lobsters are mature, thereby ensuring that 50 percent of the female lobsters in the population will reproduce at least once before they are caught. Currently the minimum size is fixed at 3 1/4 inches (83 mm) carapace length for the entire offshore lobster fishery.

Proposed EFP

The proposed EFP, submitted by UNH in a collaborative effort with the AOLA and six commercial lobster fishing vessels that are also members of the AOLA, proposes to collect statistical and scientific information as part of a project designed to monitor the offshore American lobster fishery to collect data that will assist the development of management practices appropriate to the fishery. Participants in this project are funded by, and under the direction of the Northeast Consortium, a group of four research institutions (University of New Hampshire, University of Maine, Massachusetts Institute of Technology, and Woods Hole Oceanographic Institution) which are working together to foster this initiative.

Each of six commercial fishing vessels involved in this monitoring and data collection program would collect detailed abundance and size frequency data on the composition of all lobsters collected from one research string of approximately 40 lobster traps, including data on sub-legal, and egg bearing females in addition to legal lobsters. This EFP would not involve the authorization of any additional lobster trap gear in the area. Two vessels would collect data from each of three general study areas: The Southern - Hudson Canyon Area; the Middle - Veatch Canyon Area; and the Northern - Georges Bank and Gulf of Maine Area. The participating vessels may retain on deck sub-legal lobsters, and egg bearing female lobsters, in addition to legal lobsters, for the purpose of collecting the required abundance and size frequency data specified by this project. Data collected would include size, sex, shell disease index, and the total number of legals, sub-legals, berried females, and v-notched females. All berried females would be returned to the sea as quickly as possible after data collection. In addition, all sub-legals captured from the experimental 40–trap string, except the modified trap, would be returned to the sea as quickly as possible after data collection. Pursuant to 50 CFR 600.745(3)(v), the Regional Administrator may attach terms and conditions to the EFP consistent with the purpose of the exempted fishing.

Part of this research includes a size at maturity study using lobsters from each of the three study areas. Previous research on size at maturity for the offshore area was generalized and did not look at regional differences. Since research has shown large variations in size at maturity between inshore sites, one objective of the program would seek to determine if similar regional variations exist within the offshore fishery. Previous data collected on legal sized lobsters, 3 1/4 inches (83 mm) or larger, has shown that lobsters from the Southern and Middle Study Areas were mature at the minimum size of 83 mm. One of the most reliable methods to determine size at maturity involves dissection of the female ovaries and examination of the eggs. Therefore, to determine size at maturity for the three study areas, sub-legal lobsters would be dissected, and the eggs examined to determine the stage of sexual maturity.

To complete the size at maturity component of this study, this EFP requests the inclusion of a maximum of one modified lobster trap per vessel, designated as a juvenile lobster collector trap, in the string of approximately 40 traps. This modified lobster trap would have a smaller entrance head, no escape vents and would be made of a smaller mesh than the traditional offshore trap to catch and retain a high percentage of juvenile lobsters in the 30–65 mm carapace length range. The smaller entrance head would exclude large lobsters from this trap and decrease the probability of cannibalism within the trap. The modifications to the trap are to the escape vents, and trap entrance head, not to the trap's size or configuration, therefore this modified trap would impact its environment no differently than the regular lobster trap it replaces. This EFP will add no additional traps to the areas. This EFP requests that the six participating commercial lobster fishing vessels each be allowed to use one modified juvenile lobster collector trap to collect for dissection a total of 20 lobsters (ranging in size from 65–83 mm) in each sub-legal 5–mm carapace length (CL) group from the Southern Study Area and Middle Study Area, for a total of 160 sub-legal lobsters, and 40 sub-legal lobsters (ranging in size from 75–83 mm) in the Northern Study Area. Thus, in total, 200 sub-legal lobsters would be collected and dissected as part of the size at maturity study. With the exception of the one modified juvenile lobster collector trap, all traps fished by the six participating vessels would comply with all applicable lobster regulations specified at 50 CFR 697.

All sample collections would be conducted by six federally permitted commercial fishing vessels, during the course of regular commercial fishing operations. There would not be observers or researchers onboard every participating vessel. Upon landing, UNH personnel would retrieve the samples and take them to the UNH laboratory for analysis. All lobsters would be disposed of immediately upon

completion of the size at maturity analysis.

This project, including the lobster handling protocols, was developed in consultation with NOAA Fisheries and University of New Hampshire scientists. To the greatest extent practicable, these handling protocols are designed to avoid unnecessary adverse environmental impact on lobsters involved in this project, while achieving the data collection objectives of this project.

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

Date: November 5, 2002.

Bruce C. Morehead,

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

[FR Doc. 02–28701 Filed 11–8–02; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 67, No. 218

Tuesday, November 12, 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 Public Information Collections Being Reviewed by the U.S. Agency for International Development; Comments Requested

SUMMARY: U.S. Agency for International Development (USAID) is making efforts to reduce the paperwork burden. USAID invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act for 1995. Comments are requested concerning: (a) Whether the proposed or continuing 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 burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Send comments on or before January 13, 2003.

FOR FURTHER INFORMATION CONTACT: Beverly Johnson, Bureau for Management, Office of Administrative Services, Information and Records Division, U.S. Agency for International Development, Room 2.07–106, RRB, Washington, DC 20523, (202) 712–1365 or via e-mail *bjohnson@usaid.gov.*

SUPPLEMENTARY INFORMATION:

OMB No: OMB 0412–0014.

Form No.: AID 1550–6.

Title: Voluntary Agency Quarterly Report of Shipping Activity.

Type of Review: Renewal of Information Collection.

Purpose: The U.S. Agency for International Development's Ocean Freight program reimburses approved Private and Voluntary Organizations (PVOs) registered with the Agency for their transportation costs incurred when transporting donated goods overseas. To effectively monitor the program, USAID has developed a proposal solicitation package and a monitoring document to collect necessary information from qualified and interested PVOs..aves\notices.xml

Annual Reporting Burden:

Respondents: 50.

Total annual responses: 200.

Total annual hours requested: 3,200 hours.

Dated: October 30, 2002.

Joanne Paskar,

Chief, Information and Records Division, Office of Administrative Services, Bureau for Management.

[FR Doc. 02–28655 Filed 11–8–02; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Privacy Act of 1974; Revision of System of Records

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of revision of Privacy Act system of records.

SUMMARY: Notice is hereby given that the United States Department of Agriculture (USDA) proposes to amend the Privacy Act system of records FCIC–2, entitled Compliance Review Cases. The system of records is maintained by the Federal Crop Insurance Corporation (FCIC), a wholly-owned Government Corporation administered by the Risk Management Agency (RMA), an agency of USDA. The compliance review cases system of records is being revised to reflect changes in the administration and management of the Federal crop insurance program.

DATES: This notice will be effective without further notice on December 12, 2002 unless modified by a subsequent notice to incorporate comments received from the public. Although the Privacy Act requires only that the portion of the system which describes the ''routine uses'' of the system be published for comment, USDA invites comment on all portions of this notice. Comments must be received by the contact person listed below on or before December 12, 2002.

FOR FURTHER INFORMATION CONTACT: Deputy Administrator for Compliance, Risk Management Agency, Federal Crop Insurance Corporation, 1400 Independence Avenue, SW., Stop 0806, Washington, DC 20250–0806, telephone number (202) 720–0642.

SUPPLEMENTARY INFORMATION: The changes to the system of records modify the: system location; categories of individuals covered by the system; categories of records in the system; routine uses of records maintained in the system; policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system; and, the system manager. These revisions are being made to reflect changes in the crop insurance program and RMA operations and organization. The major revisions to this system of records are the result of mandates included in the Agricultural Risk Protection Act of 2000. These include, establishment of a Farm Service Agency monitoring program, and utilization of the information technologies known as data mining and data warehousing and other available information technologies. The ''categories of records in the system'' is revised to include the results of the research and analyses that may be conducted on the data by RMA or its contractors. The ''routine uses of records'' are revised to: Update routine use number (1) to include agencies that regulate; add routine use number (5) to permit research and analysis on data for the purposes of detecting fraud, waste, or abuse; add routine use number (6) permitting investigations and referrals to determine whether information has been correctly reported and compliance with program requirements; and, add routine use number (7) to allow records to be used as necessary to administer, analyze, and evaluate the Federal crop insurance program.

In conformance with 5 U.S.C. 552a(r), as implemented by OMB Circular A–130 the Department of Agriculture sent a report reflecting these proposed changes to the Chairman, Committee on Governmental Affairs, United States Senate; the Chairman, Committee on Government Reform, United States House of Representatives; and the Administrator, Office of Information and Regulatory Affairs, Office of

Management and Budget on November 5, 2002.

Signed at Washington, DC on November 5, 2002.

Ann M. Veneman,

Secretary of Agriculture.

USDA/FCIC–2

SYSTEM NAME:

Compliance Review Cases.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Federal Crop Insurance Corporation, Risk Management Agency, 6501 Beacon Drive, Stop 0814, Kansas City, Missouri 64133–4676, headquarters and regional compliance offices for the Federal Crop Insurance Corporation, and the Center for Agribusiness Excellence, Tarleton State University, 1333 W. Washington St., Stephenville, Texas, 76402. Addresses for headquarters and each regional compliance office may be obtained from the Deputy Administrator for Compliance, Risk Management Agency, United States Department of Agriculture, 1400 Independence Avenue, SW., Stop 0806, room 6094–S, Washington, DC 20250–0806.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system consists of: (1) Individuals or other legal entities that presently have or have had insurance with the Federal Crop Insurance Corporation (FCIC) or a private insurance company reinsured by FCIC; (2) individuals who are under contract with or employed by a private insurance company to solicit and service crop insurance contracts, who meet the licensing requirements set by the individual States and requirements established by FCIC for such activities; (3) persons authorized by FCIC or the State to perform loss adjustment and related activities; and (4) private insurance companies and other individuals or entities alleged to have committed acts that could subject them to disqualification, suspension, disbarment or any other administrative action, who are the subject of a compliance review or investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of: (1) Compliance review files containing evidence gathered in the course of a compliance review; (2) the results of any research and analyses conducted on the information contained in any of the systems of records maintained by FCIC that are anomalous or indicate the existence of fraud, waste or abuse; (3) the identification of policyholders identified through other means where there are indications of potential fraud, waste or abuse; and (4) reports and inter/intra-Agency recommendations from the Office of Inspector General, the Farm Service Agency, other USDA agencies, private insurance companies, and any other sources regarding individuals or entities who may have failed to comply with the Federal Crop Insurance Act, any regulations promulgated thereunder, the terms of the policy, or any procedure or directive established by FCIC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

7 U.S.C. 1501 *et seq.* and 7 CFR part 1, subpart G, Appendix A.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

RECORDS CONTAINED IN THIS SYSTEM MAY BE USED AS FOLLOWS:

(1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, responsible for enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature arising by general statute, program statute, rule, regulation or order pursuant thereto.

(2) Referral to the Department of Justice when (a) the agency, or any component thereof; or (b) any employee of the agency in his or her official capacity; or any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or (c) the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation, provided, however, in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

(3) Disclosure in a proceeding before a court or adjudicative body before which the agency is authorized to appear, when (a) the agency, or any component thereof; or (b) any employee of the agency in his or her official capacity; or (c) any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or (d) the United States, where the agency determines litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the agency determines that use of such records is relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the court is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

(4) Disclosure in response to a request for discovery or for the appearance of a witness, to the extent that the agency determines that the information sought is relevant to the subject matter involved in a pending judicial or administrative proceeding.

(5) Referral to contractors/cooperators for purposes of conducting research and analyses to identify trends, patterns, anomalies, instances and relationships of private insurance companies, agents, loss adjusters and policyholders that may be indicative of fraud, waste, or abuse.

(6) Referral to the Farm Service Agency or to the responsible private insurance company to verify the accuracy of information reported by an individual or entity to FCIC or a private insurance company with respect to a policy or plan of insurance authorized under the Federal Crop Insurance Act.

(7) Disclosure to private insurance companies, contractors, cooperators, partners of FCIC, and other Federal agencies for any purpose relating to the sale, service, administration, analysis or evaluation of the Federal crop insurance program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained electronically, on computer printouts and in the file folders at the addresses listed under ''System Location.''

RETRIEVABILITY:

Records may be indexed and retrieved by the individual or entity name, tax identification number (including social security number), the private insurance company name, subject of the compliance review or the case number. Data research and analyses records may be indexed and retrieved by State and County, individual or entity name, tax identification number (including social security number), or contract number.

SAFEGUARDS:

Records are accessible only to authorized personnel and are

maintained in offices that are locked during non-duty hours. The computer database is controlled by password protection and the computer network is protected by means of a firewall. File folders are stored in locked file cabinets.

RETENTION AND DISPOSAL:

Record retention and disposal are handled in accordance with instructions outlined in the Farm and Foreign Agricultural Service Handbook, ''Records Management, 2–AS (Revision 10), Amendment 1.''

SYSTEM MANAGER/S/ AND ADDRESS:

Deputy Administrator for Compliance, Risk Management Agency, Federal Crop Insurance Corporation, 1400 Independence Avenue, SW. Stop 0806, Washington, DC 20250–0806, telephone number (202) 720–0642.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Pursuant to the provisions of 5 U.S.C. 552a(k)(2), material in this system of records is exempt from the requirements of 5 U.S.C. 552(a)(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it contains investigatory material compiled for law enforcement purposes. *See* 7 CFR 1.123.

5 U.S.C. 552a(c)(3) requires that an accounting of disclosures be made available to an individual. This would impair compliance reviews by alerting the subject of the review to the existence of those compliance reviews. The release of information from these files could result in the destruction or alteration of documentary evidence necessary to prosecution, improper influence or witnesses and other activities which could impede or compromise the review.

5 U.S.C. 552a(d) requires that an individual is given access to and the right to amend files pertaining to him or her. Such individual access to these files could hamper reviews in progress by alerting subjects involved in compliance reviews that their actions are under scrutiny, and allow them time to take measures to prevent detection of any illegal activities or escape prosecution. Release of these records also would disclose investigatory techniques and review procedures employed by the RMA Office of Risk Compliance, Federal Crop Insurance Corporation and other agencies, which may impair law enforcement activities.

5 U.S.C. 552a(e)(1) permits the maintenance of only such information as is relevant and necessary to accomplish a purpose of the Agency required by statute or Executive Order. Exemption from this provision is required because determination of relevance and necessity can be made only after information is evaluated. Evaluation at the time of collection is too time consuming for the effective conduct of a compliance review. Further, the determination of relevance or necessity of specific information at the early stages of the compliance review is not possible.

5 U.S.C. 552a(e)(4)(G), (H) and (f) provide for notification and access procedures. If these requirements were followed it would necessarily alert subjects of the compliance review to the existence of the review and could impair the outcome of the review. Similarly, access to the records could interfere with compliance review and ultimate law enforcement proceedings; disclose confidential informants and information; constitute an unwarranted invasion of personal privacy of others; and reveal confidential investigative techniques and procedures.

5 U.S.C. 552a(e)(4)(I) requires that categories of records in each system be published. Application of this provision could disclose investigative techniques and procedures employed by compliance reviewers, which may impair law enforcement activities.

[FR Doc. 02–28667 Filed 11–8–02; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF AGRICULTURE

Forest Service

Siskiyou County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Siskiyou County Resource Advisory Committee will meet in Yreka, California, November 18, 2002. The purpose of the meeting is to receive a presentation by the Backcountry Horsemen concerning project activities, discuss the review and agreement process used the Klamath National Forest, and identify a field trip site at which to observe project progress.

DATES: The meeting will be held November 18, 2002 from 4 p.m. until 6 PM.

ADDRESSES: The meeting will be held at the Yreka High School Library, Preece Way, Yreka, California.

FOR FURTHER INFORMATION CONTACT: Don Hall, RAC Coordinator, Klamath National Forest, (530) 841–4468 or electronically at *donaldhall@fs.fed.us.*

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Public comment opportunity will be provided and individuals will have the opportunity to address the Committee at that time.

Dated: November 4, 2002.

Margaret J. Boland,

Designated Federal Official.

[FR Doc. 02–28615 Filed 11–8–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Resource Advisory Committee Meeting

AGENCY: Lassen Resource Advisory Committee, Susanville, California, Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committees Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393) the Lassen National Forest's Lassen County Resource Advisory Committee will meet Thursday, November 14, 2002 in Susanville, California for a business meeting. The meetings are open to the public.

SUPPLEMENTARY INFORMATION: The business meeting November 14th begins at 9 a.m., at the Lassen Forest Headquarters Office, Caribou Conference Room, 2550 Riverside Drive, Susanville, CA 96130. Agenda topics will include: Review of Review minutes and finish presentation of certificates RAC member/sub-committee reports. Workshop Date Discussion, review Media Fax list for Grant Notification, and Example Proposals for review. Subcommittee Reports, Overhead Costs, meeting munchies costs, etc. Proxy votes and absent voting members. Meeting date discussion possible change to 2nd Thursday each month. Develop Lassen County RAC project submittal process. Time will also be set aside for public comments at the end of the meeting.

FOR FURTHER INFORMATION CONTACT: Robert Andrews, Eagle Lake District Ranger and Designated Federal Officer, at (530) 257–4188; or RAC Coordinator, Heidi Perry, at (530) 252–6604.

Edward C. Cole,

Forest Supervisor.

[FR Doc. 02–28616 Filed 11–8–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Fresno County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Fresno County Resource Advisory Committee will meet in Prather, California. The purpose of the meeting is to discuss and to receive project proposals regarding the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393) for expenditure of Payments to States Fresno County Title II funds.

DATES: The meeting will be held December 17, 2002, 6:30 p.m. to 9:30 p.m.

ADDRESSES: 29688 Auberry Road, Prather, California. The meeting will be held at the Sierra National Forest, High Sierra District Ranger office, 29688 Auberry Road, Prather, California 93651. Send written comments to Nancy Fleenor, Fresno County Resource Advisory Committee Coordinator, c/o Sierra National Forest, High Sierra Ranger District, 29688 Auberry Road, Prather, CA 93651 or electronically to *nfleenor@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Nancy Fleenor, Fresno County Resource Advisory Committee Coordinator, (559) 855–5355 ext. 3350.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Committee discussion is limited to Forest Service staff and Committee members. However, persons who wish to bring Payments to States Fresno County Title II project matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. Public sessions will be provided and individuals who made written requests by December 17, 2002, will have the opportunity to address the Committee at those sessions. Agenda items to be covered include: (1) Review and approve the November 19, 2002 meeting notes; (2) Discuss new business of the RAC if applicable; (3) Discuss the progress of the 2001 funded projects; (4) Consideration of Title II Project proposals from the public and/or the RAC members; (5) Confirm the date, location and agenda of the next meeting; (6) Public comment.

Dated: November 4, 2002.

Ray Porter,

District Ranger.

[FR Doc. 02–28618 Filed 11–8–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Interim Direction on Forest Service Challenge Cost Share Agreements

AGENCY: Forest Service, USDA.

ACTION: Notice of availability of agency directive.

SUMMARY: The Forest Service is issuing an interim directive to provide internal guidance to its employees in implementing the cost share portion of the challenge cost share program, authorized by Public Law 102–154. This interim directive clarifies that there is no fixed match requirement, pursuant to the law, and that the Forest Service intends each cooperative agreement under the challenge cost share program should require each party to achieve benefits commensurate with the resources expended. This interim directive is issued to the Forest Service Manual Title 1500, External Relations, Chapter 1580, Grants, Cooperative Agreements, and Other Agreements, as ID number 1580–2002–2.

DATES: The interim directive is effective November 12, 2002.

ADDRESSES: The interim directive is available electronically from the Forest Service via the World Wide Web/Internet at *http://www.fs.fed.us/im/directives.* Single paper copies of the interim directive also are available by contacting the Forest Service, USDA, Acquisition Management Staff, 1323 Club Drive—Mare Island, Vallejo, CA 94592 (telephone 707–562–8902).

FOR FURTHER INFORMATION CONTACT: Dave Allasia, Acquisition Management Staff (707–562–8902).

Dated: November 1, 2002.

Dale N. Bosworth,

Chief.

[FR Doc. 02–28612 Filed 11–8–02; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Revise an Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Intent to revise an information collection.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and Office of Management and Budget regulations at 5 CFR part 1320 (60 FR 44978, August 29, 1995), this notice announces the intent of the National Agricultural Statistics Service (NASS) to discontinue the Milkfat Prices Survey as part of the Milk and Milk Products Surveys information collection.

DATES: Comments on this notice must be received by December 20, 2002 to be assured of consideration. The final milkfat price report will be released on December 20, 2002.

ADDRESSES: Comments may be mailed to Ginny McBride, NASS OMB Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250 or sent electronically to *gmcbride@nass.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Rich Allen, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–4333.

SUPPLEMENTARY INFORMATION:

Title: Milk and Milk Products Surveys.

OMB Control Number: 0535–0020.

Expiration Date of Approval: 09/30/04.

Type of Request: Intent to Revise an Information Collection.

Abstract: The primary objective of the National Agricultural Statistics Service is to prepare and issue state and national estimates of crop and livestock production, prices, and disposition. The Milk and Milk Products Surveys obtain basic agricultural statistics on milk production and manufactured dairy products from farmers and processing plants throughout the nation. Data are gathered for milk production, dairy products, evaporated and condensed milk, manufactured dry milk, and manufactured whey products. Dairy statistics are used by the U. S. Department of Agriculture to help administer programs and by the dairy industry in planning, pricing, and projecting supplies of milk and milk products. In addition, the Agricultural Marketing Service uses the weekly dairy product prices to establish minimum prices for milk under the Federal Milk Marketing Order. The Agricultural Appropriation Act for fiscal year 2001 authorized funding to develop and implement a biweekly milkfat price survey to benefit all segments of the dairy industry. The survey was requested by dairy industry leaders to meet the industry's need for a better measure of the true value of milkfat. A pilot survey was conducted to determine if accurate and unbiased prices could be collected from buyers of cream. The data were analyzed and the

first milkfat price release was published on May 11, 2001. The survey was continued but, due to the nature of milkfat pricing, it was often difficult for respondents to report in a timely manner and revisions to previous week's figures were common. Contacts with representatives from the dairy industry and other government agencies indicated that the milkfat price data were not useful to the dairy industry and were not used in making marketing or regulatory decisions. Therefore NASS will discontinue the collection of milkfat price data and the biweekly release after December 20, 2002.

Copies of this information collection and related instructions can be obtained without charge from Ginny McBride, the Agency OBM Clearance Officer, at (202) 720–5778.

Signed at Washington, DC, October 30, 2002.

Fred Vogel,

Deputy Administrator for Programs and Products.

[FR Doc. 02–28666 Filed 11–8–02; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–507–501; C–507–601]

Correction to Certain In-Shell Pistachios (C–507–501) and Certain Roasted In-Shell Pistachios (C–507–601) From the Islamic Republic of Iran: Extension of Time Limit for Final Results of Countervailing Duty New Shipper Reviews

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

EFFECTIVE DATE: November 12, 2002.

FOR FURTHER INFORMATION CONTACT: Eric B. Greynolds or Darla Brown, AD/CVD Enforcement, Office VI, Group II, Import Administration, U.S. Department of Commerce, Room 4012, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–2786.

Corrections to Extension of Time Limit for Final Results of Countervailing Duty New Shipper Reviews

On October 23, 2002, the Department published its notice of *Certain In-Shell Pistachios (C–507–501) and Certain Roasted In-Shell Pistachios (C–507–601) From the Islamic Republic of Iran: Extension of Time Limit for Final Results of Countervailing Duty New Shipper Reviews (Extension Notice). See* 67 FR 65090. In the ''Extension of Final Results of Reviews'' section of the *Extension Notice,* we inadvertently stated that the Department is extending the time limits for completion of the final results until no later than January 24, 2002. We should have stated that the Department is extending the time limits for completion of the final results until no later than January 24, 2003. This extension is in accordance with section 751(a)(2)(B)(iv) of the Act.

Dated: October 31, 2002.

Bernard T. Carreau,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 02–28700 Filed 11–8–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

National Construction Safety Team Advisory Committee

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Request for nominations of members to serve on the National Construction Safety Team Advisory Committee.

SUMMARY: NIST invites and requests nomination of individuals for appointment to the National Construction Safety Team Advisory Committee (Committee). This a new Federal Advisory Committee established pursuant to the National Construction Safety Team Act. NIST will consider nominations received in response to this notice for appointment to the Committee, in addition to nominations already received.

DATES: Please submit nominations on or before November 27, 2002.

ADDRESSES: Please submit nominations to Stephen Cauffman, National Construction Safety Team Advisory Committee, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8610, Gaithersburg, MD 20899–8610. Nominations may also be submitted via fax to (301) 975–6122.

FOR FURTHER INFORMATION CONTACT: Stephen Cauffman, National Construction Safety Team Advisory Committee, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8610, Gaithersburg, MD 20899–8610, telephone 301–975–6051, fax 301–975–6122; or via email at *stephen.cauffman@nist.gov.*

SUPPLEMENTARY INFORMATION:

Committee Information

The Committee was established in accordance with the National Construction Safety Team Act, Public Law 107–231 and the Federal Advisory Committee Act (5 U.S.C. app. 2).

Objectives and Duties

1. The Committee shall advise the Director of the National Institute of Standards and Technology (NIST) on carrying out the National Construction Safety Team Act (Act), review and provide advice on the procedures developed under section 2(c)(1) of the Act, and review and provide advice on the reports issued under section 8 of the Act.

2. The Committee functions solely as an advisory body, in accordance with the provisions of the Federal Advisory Committee Act.

3. The Committee shall report to the Director of NIST.

4. The Committee shall provide a written annual report, through the Director of the NIST Building and Fire Research Laboratory (BFRL) and the Director of NIST, to the Secretary of Commerce for submission to the Congress, to be due at a date to be agreed upon by the Committee and the Director of NIST. Such report will provide an evaluation of National Construction Safety Team activities, along with recommendations to improve the operation and effectiveness of National Construction Safety Teams, and an assessment of the implementation of the recommendations of the National Construction Safety Teams and of the Committee. In addition, the Committee may provide reports at strategic stages of an investigation, at its discretion or at the request of the Director of NIST, through the Director of the BFRL and the Director of NIST, to the Secretary of Commerce.

Membership

1. The Committee will be composed of not fewer than five nor more than ten members that reflect a wide balance of the diversity of technical disciplines and competencies involved in the National Construction Safety Teams investigations. Members shall be selected on the basis of established records of distinguished service in their professional community and their knowledge of issues affecting the National Construction Safety Teams.

1. The Director of the NIST shall appoint the members of the Committee, and they will be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance.

Miscellaneous

1. Members of the Committee will not be paid for their services, but will, upon request, be allowed travel and per diem expenses in accordance with 5 U.S.C. 5701 *et seq.*, while attending meetings of the Committee or of its subcommittees, or while otherwise performing duties at the request of the chairperson, while away from their homes or a regular place of business.

2. The Committee will meet at least once per year at the call of the Chair. Additional meetings may be called whenever one-third or more of the members so request it in writing or whenever the Chair or the Director of NIST requests a meeting.

3. Committee meetings will be open to the public except when a closed session is held in accordance with 5 U.S.C. 552b(c)(6), because divulging information discussed in those portions of the meetings is likely to reveal information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. All other portions of the meetings are open to the public.

Nomination Information

1. Nominations are sought from all fields involved in issues affecting National Construction Safety Teams.

2. Nominees should have established records of distinguished service. The field of expertise that the candidate represents he/she is qualified should be specified in the nomination letter. Nominations for a particular field should come from organizations or individuals within that field. A summary of the candidate's qualifications should be included with the nomination, including (where applicable) current or former service on federal advisory boards and federal employment. In addition, each nomination letter should state that the person agrees to the nomination, acknowledges the responsibilities of serving on the Committee, and will actively participate in good faith in the tasks of the Committee.

3. The Department of Commerce is committed to equal opportunity in the workplace and seeks a broad-based and diverse Committee membership.

Dated: November 5, 2002.

Arden L. Bement, Jr.,

Director.

[FR Doc. 02–28579 Filed 11–8–02; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 000616180–2245–06]

RIN 0648–ZA91

NOAA Climate and Global Change Program, Program Announcement

AGENCY: Office of Global Programs, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: This document amends a notice published in the **Federal Register** on April 8, 2002, regarding the NOAA Climate and Global Change program. This amendment is intended to show NOAA's interest in supporting new 2003 funding for the Regional Integrated Sciences and Assessments (RISA) program area and to incorporate further details of program emphasis and topic areas. Full program details can also be found in the RISA program information sheet at *http://www.ogp.noaa.gov/mpe/csi.risa/html.* Potential applicants should look at the specific wording of the initial **Federal Register** notice.

DATES: Letters of intent must be received at the Office of Global Program (OGP) no later than November 25, 2002. Applicants who have not received a response to their letter of intent within four weeks should contact the Program Manager. Full proposals must be received at OGP no later than January 24, 2003. We anticipate that review of full proposals will occur during January and February 2003, and funding should begin during late spring of 2003 for most approved projects. Applicants should be notified of their status within three months. June 1, 2003, should be used as the proposed start date on proposals, unless otherwise directed by the Program Manager. All proposals must be submitted in accordance with the guidelines below. Failure to heed these guidelines will result in proposals being returned without review.

ADDRESSES: Letter of Intent and Proposals should be submitted to: Office of Global Programs; National Oceanic and Atmospheric Administration; 1100 Wayne Avenue, Suite 1210; Silver Spring, MD 20910–5603.

FOR FURTHER INFORMATION CONTACT: Irma duPree at the above address, or at (301) 427–2089 ext. 107, fax: (301) 427–2222, Internet: *irma.duPree@noaa.gov.*

SUPPLEMENTARY DATA: This notice incorporates the OGP Program Announcement published at 67 FR 16733 (April 8, 2002) which sets forth OGP program requirements binding upon this solicitation including the evaluation and selection process. The program description, background and requirements, as well as guidelines for applications are included in that notice and are not repeated here.

The Regional Integrated Sciences and Assessments (RISA) Program will accept applications towards the goal to support regionally focused integrated research and assessments. The program integrates climatic predictions and information within the institutional and social constraints decision makers work within. A successful research team must have as leaders scientists who have proven to be successful in their own field of research. They must be sufficiently flexible and creative enough to combine their expertise with researchers of other disciplines and decision makers to produce genuinely integrated research applicable to end users' needs. It is important that the proposal illustrates that the research: (1) Will achieve the strategic goals of the nationwide program; (2) can be completed successfully; (3) will not substantially duplicate other projects currently funded by NOAA or other federal agencies, and (4) demonstrates the proposed team has the capacity to integrate the physical and social science research around two or three tractable issues of importance to decision makers in the specified region.

For further technical information contact: Harvey Hill at the above address, phone: (301) 427–2089 ext. 197, e-mail: *harvey.hill@noaa.gov.*

Other Requirements: The Department of Commerce pre-award notification requirements for grants and cooperative agreement contained in the **Federal Register** notice of October 1, 2001 (66 FR 49917), are applicable to this solicitation.

Classification: It has been determined that this notice does not contain policies with Federalism implications as that term is defined in E.O. 13132.

This notice contains collection-of-information requirements subject to the Paperwork Reduction Act. The use of standard forms 424, 424A, and SF–LLL have been approved by OMB under the respective control numbers 0348–0043, 0348–0044, and 0348–0046.

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, unless that collection of information displays a current valid

OMB control number. This notice has been determined to be not significant for purposes of Executive Order 12866.

Notice and comment are not required under the Administrative Procedure Act, 5 U.S.C. 553, or any other law, for notices relating to public property, loans, grants, benefits or contracts (5 U.S.C. 553(a)). Because of notice and comment is not required, a regulatory flexibility analysis is not required and has not been prepared for this notice, 5 U.S.C. 601 *et seq.*

Authority: 49 U.S.C. 44720(b); 33 U.S.C. 883d; 15 U.S.C. 2904; 15 U.S.C. 2931 *et seq.*; (CFDA No. 11.431)—Climate and Atmospheric Research.

Dated: November 5, 2002.

Louisa Koch,

Acting Assistant Administrator, National Oceanic and Atmospheric Administration.

[FR Doc. 02–28663 Filed 11–8–02; 8:45 am]

BILLING CODE 3510–KA–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits and Guaranteed Access Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Guatemala

November 1, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing import limits and guaranteed access levels.

EFFECTIVE DATE: January 1, 2003.

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 Web site at *http://www.customs.gov*. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel Web site 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 import restraint limits and Guaranteed Access Levels (GALS) for textile products, produced or manufactured in Guatemala and exported during the period January 1, 2003 through December 31, 2003 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish limits and guaranteed access levels for 2003.

These specific limits and guaranteed access levels do not apply to goods that qualify for quota-free entry under the Trade and Development Act of 2000.

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). Information regarding the availability of the 2003 CORRELATION will be published in the **Federal Register** at a later date.

Requirements for participation in the Special Access Program are available in **Federal Register** notice 63 FR 16474, published on April 3, 1998.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 1, 2002.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2003, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Guatemala and exported during the period beginning on January 1, 2003 and extending through December 31, 2003, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
340/640	2,257,523 dozen.
347/348	2,703,123 dozen.
351/651	476,212 dozen.
443	77,658 numbers.
448	48,658 dozen.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 2002 shall be charged to the applicable category limits for that year (see directive dated October 25, 2001) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

Also pursuant to the ATC, and under the terms of the Special Access Program, as set forth in 63 FR 16474 (April 3, 1998), effective on January 1, 2003, you are directed to establish guaranteed access levels for properly certified textile products in the following categories which are assembled in Guatemala from fabric formed and cut in the United States and re-exported to the United States from Guatemala during the period January 1, 2003 through December 31, 2003:

Category	Guaranteed access level
340/640	520,000 dozen.
347/348	1,000,000 dozen.
351/651	200,000 dozen.
443	25,000 numbers.
448	42,000 dozen.

Any shipment for entry under the Special Access Program which is not accompanied by a valid and correct certification in accordance with the provisions of the certification requirements established in the directive of January 24, 1990 (55 FR 3079), as amended, shall be denied entry unless the Government of Guatemala authorizes the entry and any charges to the appropriate specific limit. Any shipment which is declared for entry under the Special Access Program but found not to qualify shall be denied entry into the United States.

These specific limits and guaranteed access levels do not apply to goods that qualify for quota-free entry under the Trade and Development Act of 2000.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

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. 02–28627 Filed 11–8–02; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Hong Kong

November 1, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 2003.

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 Web site at *http://www.customs.gov*. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel Web site 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 import restraint limits for textile products, produced or manufactured in Hong Kong and exported during the period January 1, 2003 through December 31, 2003 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 2003 limits. These limits have been increased, variously, for adjustments permitted under the flexibility provisions of the ATC.

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). Information regarding the 2003 CORRELATION will be published in the Federal Register

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 1, 2002.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2003, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in Hong Kong and exported during the twelve-month period beginning on January 1, 2003 and extending through December 31, 2003, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
Group I	
200–220, 224–227, 300–326, 360–363, 369(1)[1], 369pt.[2], 400–414, 469pt.[3], 603, 604, 611–620, 624–629 and 666pt.[4], as a group.	178,690,196 square meters equivalent.
Sublevels in Group I	
219	51,433,276 square meters.
218/225/317/326	83,245,323 square meters of which not more than 4,584,827 square meters shall be in Category 218(1)[5] (yarn dyed fabric other than denim and jacquard).
611	8,109,150 square meters.
617	5,116,304 square meters.
Group I subgroup	
200, 226/313, 314, 315, 369(1) and 604, as a group	138,862,672 square meters equivalent.
Within Group I subgroup	
200	443,437 kilograms.
226/313	92,260,253 square meters.
314	24,881,483 square meters
315	12,301,489 square meters.
369(1) (shoptowels)	1,010,932 kilograms.
604	304,390 kilograms.
Group II	
237, 239pt.[6], 331pt.[7] 332–348, 351, 352, 359(1)[8], 359(2)[9], 359pt.[10], 433–438, 440–448, 459pt.[11], 631pt.[12] 633–648, 651, 652, 659(1)[13], 659(2)[14], 659pt.[15], and 443/444/643/644(1), as a group.	924,191,267 square meters equivalent.
Sublevels in Group II	
237	1,487,311 dozen.
331pt.	1,626,292 dozen pairs.
333/334	344,393 dozen.
335	358,846 dozen.
338/339[16] (shirts and blouses other than tank tops and tops, knit)	3,050,082 dozen.
338/339(1)[17] (tank tops and knit tops)	2,291,542 dozen.
340	2,920,774 dozen.
345	523,875 dozen.
347/348	7,071,512 dozen of which not more than 6,981,512 dozen shall be in Categories 347–W/348–W[18]; and not more than 5,290,853 dozen shall be in Category 348–W.
352	8,748,166 dozen.
359(1) (coveralls, overalls and jumpsuits)	739,225 kilograms.
359(2) (vests)	1,540,699 kilograms.
433	11,382 dozen.

Category	Twelve-month restraint limit
434	12,218 dozen.
435	80,296 dozen.
436	104,582 dozen.
438	858,904 dozen.
442	100,952 dozen.
443	65,983 numbers.
444	45,713 numbers.
445/446	1,419,653 dozen.
447/448	71,394 dozen.
631pt.	152,225 dozen pairs.
633/634/635	1,544,776 dozen of which not more than 577,781 dozen shall be in Categories 633/634; and not more than 1,186,214 dozen shall be in Category 635.
638/639	5,120,455 dozen.
641	884,792 dozen.
644	55,989 numbers.
645/646	1,403,421 dozen.
647	686,688 dozen.
648	1,272,594 dozen of which not more than 1,257,804 dozen shall be in Category 648–W [19]
652	5,948,825 dozen.
659(1) (coveralls, overalls and jumpsuits)	817,038 kilograms.
659(2) (swimsuits)	349,125 kilograms.
443/444/643/644(1) (made-to-measure suits)	63,253 numbers.
Group II subgroup	
336, 341, 342, 351, 636, 640, 642 and 651, as a group	169,590,921 square meters equivalent.
Within Group II subgroup	
336	287,260 dozen.
341	2,956,496 dozen.
342	640,371 dozen.
351	1,248,690 dozen.
636	386,602 dozen.
640	1,151,190 dozen.
642	307,440 dozen.
651	418,680 dozen.
Group III–only 852	11,010,779 square meters equivalent.
Limits not in a group	
845(1) [20] (sweaters made in Hong Kong)	1,138,569 dozen.
845(2) [21] (sweaters assembled in Hong Kong from knit-to-shape components, knit elsewhere).	2,725,300 dozen.
846(1) [22] (sweaters made in Hong Kong)	184,117 dozen.
846(2) [23] (sweaters assembled in Hong Kong from knit-to-shape components, knit elsewhere).	443,653 dozen.

[1] Category 369(1): only HTS number 6307.10.2005.

[2] Category 369pt.: all HTS numbers except 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.22.4020, 4202.22.4500, 4202.22.8030, 4202.32.4000, 4202.32.9530, 4202.92.0505, 4202.92.1500, 4202.92.3016, 4202.92.6091, 5601.10.1000, 5601.21.0090, 5701.90.1020, 5701.90.2020, 5702.10.9020, 5702.39.2010, 5702.49.1020, 5702.49.1080, 5702.59.1000, 5702.99.1010, 5702.99.1090, 5705.00.2020, 5805.00.3000, 5807.10.0510, 5807.90.0510, 6301.30.0010, 6301.30.0020, 6302,51.1000, 6302.51.2000, 6302.51.3000, 6302.51.4000, 6302.60.0010, 6302.60.0030, 6302.91.0005, 6302.91.0025, 6302.91.0045, 6302.91.0050, 6302.91.0060, 6303.11.0000, 6303.91.0010, 6303.91.0020, 6304.91.0020, 6304.92.0000, 6305.20.0000, 6306.11.0000, 6307.10.1020, 6307.10.1090, 6307.90.3010, 6307.90.4010, 6307.90.5010, 6307.90.8910, 6307.90.8945, 6307.90.9882, 6406.10.7700, 9404.90.1000, 9404.90.8040, 9404.90.9505 and HTS number in 369(1).

[3] Category 469pt.: all HTS numbers except 5601.29.0020, 5603.94.1010, 6304.19.3040, 6304.91.0050, 6304.99.1500, 6304.99.6010, 6308.00.0010 and 6406.10.9020.

[4] Category 666pt.: all HTS numbers except 5805.00.4010, 6301.10.0000, 6301.40.0010, 6301.40.0020, 6301.90.0010, 6302.53.0010, 6302.53.0020, 6302.53.0030, 6302.93.1000, 6302.93.2000, 6303.12.0000, 6303.19.0010, 6303.92.1000, 6303.92.2010, 6303.92.2020, 6303.99.0010, 6304.11.2000, 6304.19.1500, 6304.19.2000, 6304.91.0040, 6304.93.0000, 6304.99.6020, 6307.90.9884, 9404.90.8522 and 9404.90.9522.

[5] Category 218(1): all HTS numbers except 5209.42.0060, 5209.42.0080, 5211.42.0060, 5211.42.0080, 5514.32.0015 and 5516.43.0015.

[6] Category 239pt.: only HTS number 6209.20.5040 (diapers).

[7] Category 331pt.: all HTS numbers except 6116.10.1720, 6116.10.4810, 6116.10.5510, 6116.10.7510, 6116.92.6410, 6116.92.6420, 6116.92.6430, 6116.92.6440, 6116.92.7450, 6116.92.7460, 6116.92.7470, 6116.92.8800, 6116.92.9400 and 6116.99.9510.

[8] Category 359(1): only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010.

[9] Category 359(2): only HTS numbers 6103.19.2030, 6103.19.9030, 6104.12.0040, 6104.19.8040, 6110.20.1022, 6110.20.1024, 6110.20.2030, 6110.20.2035, 6110.90.9044, 6110.90.9046, 6201.92.2010, 6202.92.2020, 6203.19.1030, 6203.19.9030, 6204.12.0040, 6204.19.8040, 6211.32.0070 and 6211.42.0070.

[10] Category 359pt.: all HTS numbers except 6115.19.8010, 6117.10.6010, 6117.20.9010, 6203.22.1000, 6204.22.1000, 6212.90.0010, 6214.90.0010, 6406.99.1550, 6505.90.1525, 6505.90.1540, 6505.90.2060, 6505.90.2545 and HTS numbers in 359(1) and 359(2).

[11] Category 459pt.: all HTS numbers except 6115.19.8020, 6117.10.1000, 6117.10.2010, 6117.20.9020, 6212.90.0020, 6214.20.0000, 6405.20.6030, 6405.20.6060, 6405.20.6090, 6406.99.1505, 6406.99.1560.

[12] Category 631pt.: all HTS numbers except 6116.10.1730, 6116.10.4820, 6116.10.5520, 6116.10.7520, 6116.93.8800, 6116.93.9400, 6116.99.4800, 6116.99.5400 and 6116.99.9530.

[13] Category 659(1): only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[14] Category 659(2): only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.

[15] Category 659pt.: all HTS numbers except 6115.11.0010, 6115.12.2000, 6117.10.2030, 6117.20.9030, 6212.90.0030, 6214.30.0000, 6214.40.0000, 6406.99.1510, 6406.99.1540 and HTS numbers in 659(1) and 659(2).

[16] Categories 338/339: all HTS numbers except 6109.10.0018, 6109.10.0023, 6109.10.0060, 6109.10.0065, 6114.20.0005 and 6114.20.0010.

[17] Category 338/339(1): only HTS numbers 6109.10.0018, 6109.10.0023, 6109.10.0060, 6109.10.0065, 6114.20.0005 and 6114.20.0010.

[18] Category 347–W: only HTS numbers 6203.19.1020, 6203.19.9020, 6203.22.3020, 6203.22.3030, 6203.42.4005, 6203.42.4010, 6203.42.4015, 6203.42.4025, 6203.42.4035, 6203.42.4045, 6203.42.4050, 6203.42.4060, 6203.49.8020, 6210.40.9033, 6211.20.1520, 6211.20.3810 and 6211.32.0040; Category 348–W: only HTS numbers 6204.12.0030, 6204.19.8030, 6204.22.3040, 6204.22.3050, 6204.29.4034, 6204.62.3000, 6204.62.4005, 6204.62.4010, 6204.62.4020, 6204.62.4030, 6204.62.4040, 6204.62.4050, 6204.62.4055, 6204.62.4065, 6204.69.6010, 6204.69.9010, 6210.50.9060, 6211.20.1550, 6211.20.6810, 6211.42.0030 and 6217.90.9050.

[19] Category 648–W: only HTS numbers 6204.23.0040, 6204.23.0045, 6204.29.2020, 6204.29.2025, 6204.29.4038, 6204.63.2000, 6204.63.3000, 6204.63.3510, 6204.63.3530, 6204.63.3532, 6204.63.3540, 6204.69.2510, 6204.69.2530, 6204.69.2540, 6204.69.2560, 6204.69.6030, 6204.69.9030, 6210.50.5035, 6211.20.1555, 6211.20.6820, 6211.43.0040 and 6217.90.9060.

[20] Category 845(1): only HTS numbers 6103.29.2074, 6104.29.2079, 6110.90.9024, 6110.90.9042 and 6117.90.9015.

[21] Category 845(2): only HTS numbers 6103.29.2070, 6104.29.2077, 6110.90.9022 and 6110.90.9040.

[22] Category 846(1): only HTS numbers 6103.29.2068, 6104.29.2075, 6110.90.9020 and 6110.90.9038.

[23] Category 846(2): only HTS numbers 6103.29.2066, 6104.29.2073, 6110.90.9018 and 6110.90.9036.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 2002 shall be charged to the applicable category limits for that year (see directive dated November 29, 2001) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

The conversion factors for merged Categories 333/334, 633/634/635 and 638/639 are 33, 33.90 and 13, respectively. The conversion factor for Category 239pt. is 8.79.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

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. 02–28628 Filed 11–8–02; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Hungary

November 1, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 2003.

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 Web site at *http://www.customs.gov*. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel Web site 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 import restraint limits for textile products, produced or manufactured in Hungary and exported during the period January 1, 2003 through December 31, 2003 are based on the limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the limits for the 2003 period.

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). Information regarding the availability of the 2003 CORRELATION will be published in the **Federal Register** at a later date.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 1, 2002.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2003, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Hungary and exported during the twelve-month period beginning on January 1, 2003 and extending through December 31, 2003, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
351/651	438,026 dozen.
410	1,021,140 square meters.
433	19,365 dozen.
434	16,431 dozen.
435	28,400 dozen.
443	181,910 numbers.
444	58,682 numbers.
448	25,099 dozen.
604	2,167,986 kilograms.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 2002 shall be charged to the applicable category limits for that year (see directive dated November 16, 2001) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to 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. 02–28629 Filed 11–8–02; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in India

November 1, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 2003.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, 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 Web site at *http://www.customs.gov*. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel Web site 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 import restraint limits for textile products, produced or manufactured in India and exported during the period January 1, 2003 through December 31, 2003 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 2003 limits.

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). Information regarding the 2003 CORRELATION will be published in the **Federal Register** at a later date.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 1, 2002.

Commissioner of Customs, *Department of the Treasury, Washington, DC 20229.*

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2003, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in India and exported during the twelve-month period beginning on January 1, 2003 and extending through December 31, 2003, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
Levels in Group I	
218	24,368,564 square meters.
219	104,946,651 square meters.
313	65,201,255 square meters.
314	12,493,649 square meters.
315	20,984,324 square meters.
317	54,611,405 square meters.
326	12,411,685 square meters.
334/634	223,315 dozen.
335/635	994,196 dozen.
336/636	1,445,279 dozen.
338/339	5,378,396 dozen.
340/640	2,935,925 dozen.
341	5,772,811 dozen of which not more than 3,463,684 dozen shall be in Category 341–Y [1].
342/642	2,013,251 dozen.
345	325,776 dozen.
347/348	1,048,127 dozen.
351/651	425,562 dozen.
363	76,153,055 numbers.
369–S [2]	1,136,224 kilograms.
641	2,343,938 dozen.
647/648	1,361,103 dozen.
Group II	
200, 201, 220, 224–227, 237, 239pt. [3], 300, 301, 331pt. [4], 332, 333, 352, 359pt. [5], 360–362, 603, 604, 611–620, 624–629, 631pt. [6], 633, 638, 639, 643–646, 652, 659pt. [7], 666pt. [8], 845, 846 and 852, as a group	161,513,644 square meters equivalent.

[1] Category 341–Y: only HTS numbers 6204.22.3060, 6206.30.3010, 6206.30.3030 and 6211.42.0054.

[2] Category 369–S: only HTS number 6307.10.2005.

[3] Category 239pt.: only HTS number 6209.20.5040 (diapers).

[4] Category 331pt.: all HTS numbers except 6116.10.1720, 6116.10.4810, 6116.10.5510, 6116.10.7510, 6116.92.6410, 6116.92.6420, 6116.92.6430, 6116.92.6440, 6116.92.7450, 6116.92.7460, 6116.92.7470, 6116.92.8800, 6116.92.9400 and 6116.99.9510.

[5] Category 359pt.: all HTS numbers except 6115.19.8010, 6117.10.6010, 6117.20.9010, 6203.22.1000, 6204.22.1000, 6212.90.0010, 6214.90.0010, 6406.99.1550, 6505.90.1525, 6505.90.1540, 6505.90.2060 and 6505.90.2545.

[6] Category 631pt.: all HTS numbers except 6116.10.1730, 6116.10.4820, 6116.10.5520, 6116.10.7520, 6116.93.8800, 6116.93.9400, 6116.99.4800, 6116.99.5400 and 6116.99.9530.

[7] Category 659pt.: all HTS numbers except 6115.11.0010, 6115.12.2000, 6117.10.2030, 6117.20.9030, 6212.90.0030, 6214.30.0000, 6214.40.0000, 6406.99.1510 and 6406.99.1540.

[8] Category 666pt.: all HTS numbers except 5805.00.4010, 6301.10.0000, 6301.40.0010, 6301.40.0020, 6301.90.0010, 6302.53.0010, 6302.53.0020, 6302.53.0030, 6302.93.1000, 6302.93.2000, 6303.12.0000, 6303.19.0010, 6303.92.1000, 6303.92.2010, 6303.92.2020, 6303.99.0010, 6304.11.2000, 6304.19.1500, 6304.19.2000, 6304.91.0040, 6304.93.0000, 6304.99.6020, 6307.90.9884, 9404.90.8522 and 9404.90.9522.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 2002 shall be charged to the applicable category limits for that year (see directive dated November 23, 2001) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

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. 02–28630 Filed 11–8–02; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Kuwait

November 1, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 2003.

FOR FURTHER INFORMATION CONTACT: Roy Unger, 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 Web site at *http://www.customs.gov.* For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel Web site 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 import restraint limits for textile products, produced or manufactured in Kuwait and exported during the period January 1, 2003 through December 31, 2003 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the limits for the 2003 period. The 2003 level for Category 361 is zero.

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). Information regarding the 2003 CORRELATION will be published in the **Federal Register** at a later date.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 1, 2002.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2003, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in the following categories, produced or manufactured in Kuwait and exported during the twelve-month period beginning on January 1, 2003 and extending through December 31, 2003, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
340/640	449,257 dozen.
341/641	247,092 dozen.
361	–0–

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 2002 shall be charged to the applicable category limits for that year (see directive dated November 14, 2001) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to 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. 02–28631 Filed 11–8–02; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of an Import Restraint Limit for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Laos

November 1, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit.

EFFECTIVE DATE: January 1, 2003.

FOR FURTHER INFORMATION CONTACT: Roy Unger, 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 Web site at *http://www.customs.gov.* For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel Web site 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 Bilateral Textile Agreement of June 23, 2000 between the Governments of the United States and the Lao People's Democratic Republic, establishes a limit for Categories 340/640 for the period January 1, 2003 through December 31, 2003.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 2003 limit for Categories 340/640.

This limit may be revised if Laos becomes a member of the World Trade Organization (WTO) and the United States applies the WTO agreement to Laos.

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). Information regarding the 2003 CORRELATION will be published in the **Federal Register** at a later date.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 1, 2002.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Bilateral Textile Agreement of June 23, 2000 between the Governments of the United States and the Lao People's Democratic Republic, you are directed to prohibit, effective on January 1, 2003, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 340/640, produced or manufactured in Laos and exported during the twelve-month period beginning on January 1, 2003 and extending through December 31, 2003, in excess of 203,613 dozen.

The limit set forth above is subject to adjustment pursuant to the current bilateral agreement between the Governments of the United States and the Lao People's Democratic Republic.

Products in the above categories exported during 2002 shall be charged to the applicable category limit for that year (see

directive dated November 14, 2001) to the extent of any unfilled balance. In the event the limit established for that period has been exhausted by previous entries, such products shall be charged to the limit set forth in this directive.

This limit may be revised if Laos becomes a member of the World Trade Organization (WTO) and the United States applies the WTO agreement to Laos.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls 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. 02–28633 Filed 11–8–02; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products Produced or Manufactured in Macau

November 1, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 2003.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, 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 Web site at *http://www.customs.gov.* For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel Web site 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 import restraint limits for textile products, produced or manufactured in Macau and exported during the period January 1, 2003 through December 31, 2003 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 2003 limits.

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). Information regarding the 2003 CORRELATION will be published in the **Federal Register** at a later date.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 1, 2002.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2003, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in Macau and exported during the twelve-month period beginning on January 1, 2003 and extending through December 31, 2003, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
Levels in Group I	
219	4,150,451 square meters.
225	14,526,576 square meters.
313	10,376,125 square meters.
314	1,729,354 square meters.
315	5,188,063 square meters.
317	10,376,125 square meters.
326	4,150,451 square meters.
333/334/335	476,671 dozen of which not more than 252,810 dozen shall be in Categories 333/335.
336	107,921 dozen.
338	629,945 dozen.
339	2,638,608 dozen.
340	596,241 dozen.
341	384,563 dozen.
342	173,973 dozen.
345	106,382 dozen.
347/348	1,482,180 dozen.
351	139,101 dozen.
359–C/659–C [1]	695,902 kilograms.
359–V [2]	231,969 kilograms.
611	4,150,451 square meters.
625/626/627/628/629	10,376,125 square meters.
633/634/635	1,036,211 dozen.
638/639	3,202,734 dozen.
640	229,427 dozen.
641	275,673 dozen.
642	224,878 dozen.
645/646	537,802 dozen.
647/648	1,084,906 dozen.
659–S [3]	231,969 kilograms.
Group II	
400–414, 433–438, 440–448, 459pt. [4] and 469pt. [5], as a group	1,664,826 square meters equivalent.
Sublevel in Group II	
445/446	89,813 dozen.

[1] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[2] Category 359–V: only HTS numbers 6103.19.2030, 6103.19.9030, 6104.12.0040, 6104.19.8040, 6110.20.1022, 6110.20.1024, 6110.20.2030, 6110.20.2035, 6110.90.9044, 6110.90.9046, 6201.92.2010, 6202.92.2020, 6203.19.1030, 6203.19.9030, 6204.12.0040, 6204.19.8040, 6211.32.0070 and 6211.42.0070.

[3] Category 659–S: only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010, and 6211.12.1020.

[4] Category 459pt.: all HTS numbers except 6115.19.8020, 6117.10.1000, 6117.10.2010, 6117.20.9020, 6212.90.0020, 6214.20.0000, 6405.20.6030, 6405.20.6060, 6405.20.6090, 6406.99.1505 and 6406.99.1560.

[5] Category 469pt.: all HTS numbers except 5601.29.0020, 5603.94.1010, 6304.19.3040, 6304.91.0050, 6304.99.1500, 6304.99.6010, 6308.00.0010 and 6406.10.9020.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 2002 shall be charged to the applicable category limits for that year (see directive dated November 27, 2001) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

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. 02–28632 Filed 11–8–02; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATIONS OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Oman

November 1, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 2003.

FOR FURTHER INFORMATION CONTACT: Roy Unger, 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 Web site at *http://www.customs.gov.* For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel Web site 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 import restraint limits for textile products, produced or manufactured in Oman and exported during the period January 1, 2003 through December 31, 2003 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish limits for the 2003 period.

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). Information regarding the 2003 CORRELATION will be published in the **Federal Register** at a later date.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 1, 2002.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2003, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in the following categories, produced or manufactured in Oman and exported during the twelve-month period beginning on January 1, 2003 and extending through December 31, 2003, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
334/634	181,571 dozen.
335/635	367,276 dozen.
338/339	762,099 dozen.
340/640	367,276 dozen.
341/641	275,456 dozen.
347/348	1,313,011 dozen.
647/648	519,245 dozen.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 2001 shall be charged to the applicable category limits for that year (see directive dated November 23, 2001) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

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. 02–28634 Filed 11–8–02; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Pakistan

November 1, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 2003.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, 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 Web site at *http://www.ustreas.gov.* For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel Web site 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 import restraint limits for textile products, produced or manufactured in Pakistan and exported during the period January 1, 2003 through December 31, 2003 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 2003 limits.

Carryforward that has been applied to the 2002 limits is being deducted from the 2003 limits.

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). Information regarding the availability of the 2003 CORRELATION will be

published in the **Federal Register** at a later date.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 1, 2002.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2003, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in the following categories, produced or manufactured in Pakistan and exported during the twelve-month period beginning on January 1, 2003 and extending through December 31, 2003, in excess of the following limits:

Category	Twelve-month restraint limit
Specific limits	
219	13,954,600 square meters.
226/313	188,607,522 square meters.
237	678,700 dozen.
239pt. [1]	2,931,125 kilograms.
314	10,148,798 square meters.
315	120,194,128 square meters.
317/617	54,537,940 square meters.
331pt./631pt. [2]	1,022,761 dozen pairs.
334/634	461,009 dozen.
335/635	711,937 dozen.
336/636	814,442 dozen.
338	6,812,771 dozen.
339	2,307,030 dozen.
340/640	1,085,922 dozen of which not more than 407,220 dozen shall be in Categories 340–D/640–D [3].
341/641	1,404,911 dozen.
342/642	604,660 dozen.
347/348	1,278,241 dozen.
351/651	591,218 dozen.
352/652	1,285,258 dozen.
359–C/659–C [4]	2,443,324 kilograms.
360	8,258,650 numbers.
361	9,603,080 numbers.
363	63,368,762 numbers.
369–S [5]	1,177,195 kilograms.
613/614	37,346,020 square meters.
615	39,729,801 square meters.
625/626/627/628/629	122,191,123 square meters of which not more than 61,095,563 square meters shall be in Category 625; not more than 61,095,563 square meters shall be in Category 626; not more than 61,095,563 square meters shall be in Category 627; not more than 12,640,462 square meters shall be in Category 628; and not more than 61,095,563 square meters shall be in Category 629.
638/639	816,663 dozen.
647/648	1,548,362 dozen.
666–P [6]	1,130,546 kilograms.
666–S [7]	5,985,245 kilograms.

[1] Category 239pt.: only HTS number 6209.20.5040 (diapers).

[2] Category 331pt.: all HTS numbers except 6116.10.1720, 6116.10.4810, 6116.10.5510, 6116.10.7510, 6116.92.6410, 6116.92.6420, 6116.92.6430, 6116.92.6440, 6116.92.7450, 6116.92.7460, 6116.92.7470, 6116.92.8800, 6116.92.9400 and 6116.99.9510; Category 631pt.: all HTS numbers except 6116.10.1730, 6116.10.4820, 6116.10.5520, 6116.10.7520, 6116.93.8800, 6116.93.9400, 6116.99.4800, 6116.99.5400 and 6116.99.9530.

[3] Category 340–D: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2025 and 6205.20.2030; Category 640–D: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2030, 6205.30.2040, 6205.90.3030 and 6205.90.4030.

[4] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[5] Category 369–S: only HTS number 6307.10.2005.

[6] Category 666–P: only HTS numbers 6302.22.1010, 6302.22.1020, 6302.22.2010, 6302.32.1010, 6302.32.1020, 6302.32.2010 and 6302.32.2020.

[7] Category 666–S: only HTS numbers 6302.22.1030, 6302.22.1040, 6302.22.2020, 6302.32.1030, 6302.32.1040, 6302.32.2030 and 6302.32.2040.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 2002 shall be charged to the applicable category limits for that year (see directive dated December 4, 2001) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

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.02–28636 Filed 11–8–02; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Poland

November 1, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 2003.

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 Web site at *http://www.customs.gov.* For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel Web site 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 import restraint limits for textile products, produced or manufactured in Poland and exported during the period January 1, 2003 through December 31, 2003 are based on the limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the

Commissioner of Customs to establish the limits for the 2003 period.

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). Information regarding the 2003 CORRELATION will be published in the **Federal Register** at a later date.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 1, 2002.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2003, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Poland and exported during the twelve-month period beginning on January 1, 2003 and extending through December 31, 2003, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
335	328,108 dozen.
338/339	3,533,491 dozen.
410	2,934,044 square meters.
433	20,719 dozen.
434	11,301 dozen.
435	14,788 dozen.
443	246,460 numbers.
611	10,099,479 square meters.
645/646	517,405 dozen.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 2002 shall be charged to the applicable category limits for that year (see directive dated November 29, 2001) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to 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. 02–28635 Filed 11–8–02; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Qatar

November 1, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 2003.

FOR FURTHER INFORMATION CONTACT: Roy Unger, 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 Web site at *http://www.customs.gov.* For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel Web site 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 import restraint limits for textile products, produced or manufactured in Qatar and exported during the period January 1, 2003 through December 31, 2003 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the limits for the 2003 period.

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). Information regarding the 2003 CORRELATION will be published in the **Federal Register** at a later date.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 1, 2002.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2003, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in the following categories, produced or manufactured in Qatar and exported during the twelve-month period beginning on January 1, 2003 and extending through December 31, 2003, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
340/640	719,855 dozen.
341/641	332,241 dozen.
347/348	819,527 dozen.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 2002 shall be charged to the applicable category limits for that year (see directive dated November 23, 2001) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to 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. 02–28637 Filed 11–8–02; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of an Import Limit for Certain Wool Textile Products Produced or Manufactured in Russia

November 1, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit.

EFFECTIVE DATE: January 1, 2003.

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 Web site at *http://www.customs.gov*. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel Web site 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 Bilateral Textile Agreement, effected by exchange of notes dated August 13, 1996 and September 9, 1996, as amended on February 26, 2001, and April 30, 2001, between the Governments of the United States and the Russian Federation establishes a limit for wool textile products in Category 435 for the period January 1, 2003 through December 31, 2003.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the limit for the period January 1, 2003 through December 31, 2003.

This limit may be revised if Russia becomes a member of the World Trade Organization (WTO) and the United States applies the WTO agreement to Russia.

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). Information regarding the availability of the 2003 CORRELATION will be published in the **Federal Register** at a later date.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 1, 2002.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Bilateral Textile Agreement, effected by exchange of notes dated August 13, 1996 and September 9, 1996, as amended on February 26, 2001, and April 30, 2001, between the Governments of the United States and the Russian Federation, you are directed to prohibit, effective on January 1, 2003, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Category 435, produced or manufactured in Russia and exported during the period beginning on January 1, 2003 and extending through December 31, 2003, in excess of 57,435 dozen. [1]

Products in the above category exported during 2002 shall be charged to the applicable category limit for that year (see directive dated November 23, 2001) to the extent of any unfilled balance. In the event the limit established for that period has been exhausted by previous entries, such products shall be charged to the limit set forth in this directive.

This limit may be revised if Russia becomes a member of the World Trade Organization (WTO) and the United States applies the WTO agreement to Russia.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls 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.02–28641 Filed 11–8–02; 8:45 am]

BILLING CODE 3510–DR–S

[1] The limit set forth above is subject to adjustment pursuant to the current bilateral agreement between the Governments of the United States and the Russian Federation.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Wool Textile Products Produced or Manufactured in the Slovak Republic

November 1, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 2003.

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 Web site at *http://www.customs.gov.* For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel Web site 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 import restraint limits for textile products, produced or manufactured in the Slovak Republic and exported during the period January 1, 2003 through December 31, 2003 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 2003 limits.

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). Information regarding the availability of the 2003 CORRELATION will be

published in the **Federal Register** at a later date.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 1, 2002.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2003, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in the following categories, produced or manufactured in the Slovak Republic and exported during the twelve-month period beginning on January 1, 2003 and extending through December 31, 2003 in excess of the following limits:

Category	Twelve-month restraint limit
410	453,296 square meters.
433	12,660 dozen.
435	19,123 dozen.
443	105,769 numbers.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 2002 shall be charged to the applicable category limits for that year (see directive dated November 29, 2001) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

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. 02–28638 Filed 11–8–02; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Sri Lanka

November 1, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 2003.

FOR FURTHER INFORMATION CONTACT: Roy Unger, 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 Web site at *http://www.customs.gov*. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel Web site 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 import restraint limits for textile products, produced or manufactured in Sri Lanka and exported during the period January 1, 2003, through December 31, 2003, are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 2003 limits.

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). Information regarding the availability of the 2003 CORRELATION will be published in the **Federal Register** at a later date.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 1, 2002.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2003, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in Sri Lanka and exported during the twelve-month period beginning on January 1, 2003 and extending through December 31, 2003, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
237	508,038 dozen.
314	7,584,276 square meters.
331pt./631pt. [1]	1,118,582 dozen pairs.
333/633	95,632 dozen.
334/634	1,120,671 dozen.
335	488,683 dozen.
336/636	655,453 dozen.
338/339	2,241,345 dozen.
340/640	1,877,483 dozen.
341/641	3,090,447 dozen of which not more than 2,060,298 dozen shall be in Category 341 and not more than 2,060,298 dozen shall be in Category 641.
342/642	1,149,404 dozen.
345/845	301,839 dozen.
347/348	1,607,209 dozen.
351/651	579,413 dozen.
352/652	2,390,764 dozen.
359–C/659–C [2]	2,301,864 kilograms.
360	2,528,093 numbers.
363	21,666,305 numbers.
369–S [3]	1,355,537 kilograms.
434	7,961 dozen.
435	17,059 dozen.
440	11,373 dozen.
611	9,901,696 square meters.
635	657,463 dozen.
638/639	1,596,885 dozen.
644	896,536 numbers.
645/646	358,614 dozen.

Category	Twelve-month restraint limit
647/648	1,922,762 dozen.

[1] Category 331pt.: all HTS numbers except 6116.10.1720, 6116.10.4810, 6116.10.5510, 6116.10.7510, 6116.92.6410, 6116.92.6420, 6116.92.6430, 6116.92.6440, 6116.92.7450, 6116.92.7460, 6116.92.7470, 6116.92.8800, 6116.92.9400 and 6116.99.9510; Category 631pt.: all HTS numbers except 6116.10.1730, 6116.10.4820, 6116.10.5520, 6116.10.7520, 6116.93.8800, 6116.93.9400, 6116.99.4800, 6116.99.5400 and 6116.99.9530.

[2] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[3] Category 369–S: only HTS number 6307.10.2005.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 2002 shall be charged to the applicable category limits for that year (see directive dated November 27, 2001) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

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. 02–28639 Filed 11–8–02; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Taiwan

November 1, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 2003.

FOR FURTHER INFORMATION CONTACT: Roy Unger, 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 Web site at *http://www.customs.gov*. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel Web site 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 import restraint limits for textile products, produced or manufactured in Taiwan and exported during the period January 1, 2003, through December 31, 2003, are based on limits notified to the Textiles Monitoring Body pursuant to the World Trade Organization (WTO) Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 2003 limits.

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). Information regarding the 2003 CORRELATION will be published in the **Federal Register** at a later date.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 1, 2002.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2003, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in Taiwan and exported during the twelve-month period which begins on January 1, 2003 and extending through December 31, 2003, in excess of the following levels of restraint:

Category	Twelve-month limit
Group I	
200–221, 224, 225/317/326, 226, 227, 300/301, 313–315, 360–363, 369–S[1], 369–O[2], 400–414, 469pt[3], 603, 604, 611, 613/614/615/617, 618, 619/620, 623, 624, 625/626/627/628/629 and 666pt[4], as a group.	208,779,904 square meters equivalent.
Sublevels in Group I	
218	24,225,320 square meters.
225/317/326	42,999,877 square meters.
226	7,803,105 square meters.
300/301	1,822,223 kilograms of which not more than 1,529,071 kilograms shall be in Category 300; not more than 1,529,071 kilograms shall be in Category 301.
363	12,424,193 numbers.
611	3,491,818 square meters.
613/614/615/617	21,655,906 square meters.
619/620	15,917,426 square meters.
625/626/627/628/629	20,712,332 square meters.
Group I subgroup	
200, 219, 313, 314, 315, 361, 369–S and 604, as a group	157,787,444 square meters equivalent.

Category	Twelve-month limit
Within Group I subgroup	
200	782,766 kilograms.
219	17,814,979 square meters.
313	69,729,169 square meters.
314	31,733,200 square meters.
315	24,315,719 square meters.
361	1,572,406 numbers.
369–S	496,280 kilograms.
604	244,857 kilograms.
Group II	
237, 239pt [5], 331pt. [6], 332, 333/334/335, 336, 338/339, 340–345, 347/348, 351, 352/652, 359–C/659–C [7], 659–H [8], 359pt. [9], 433-438, 445/446, 447/448, 459pt. [10], 631pt. [11], 633/634/635, 636, 638/639, 640, 641–644, 645/646, 647/648, 651, 659–S [12], 659pt. [13], 846 and 852, as a group.	622,375,380 square meters equivalent.
Sublevels in Group II	
237	764,772 dozen.
239pt.	1,377,982 kilograms.
331pt.	145,092 dozen pairs.
336	130,296 dozen.
338/339	850,500 dozen.
340	1,125,123 dozen.
345	136,144 dozen.
347/348	1,064,931 dozen of which not more than 1,064,931 dozen shall be in Categories 347–W/348–W [14].
352/652	3,456,874 dozen.
359–C/659–C	1,447,633 kilograms.
433	15,943 dozen.
434	11,072 dozen.
435	26,289 dozen.
436	5,235 dozen.
438	29,543 dozen.
440	5,723 dozen.
442	43,939 dozen.
443	44,639 numbers.
444	63,575 numbers.
445/446	139,213 dozen.
633/634/635	1,634,440 dozen of which not more than 959,317 dozen shall be in Categories 633/634 and not more than 850,077 dozen shall be in Category 635.
638/639	6,565,058 dozen.
640	1,058,909 dozen of which not more than 281,710 dozen shall be in Category 640–Y [15].
642	777,133 dozen.
643	531,226 numbers.
644	829,661 numbers.
645/646	4,107,691 dozen.
647/648	5,248,544 dozen of which not more than 5,248,544 dozen shall be in Categories 647–W/648–W [16].
659–H	2,369,431 kilograms.
659–S	1,601,702 kilograms.
Group II Subgroup	
333/334/335, 341, 342, 351, 447/448, 636, 641 and 651, as a group	73,586,613 square meters equivalent.
Within Group II Subgroup	
333/334/335	335,212 dozen of which not more than 181,575 dozen shall be in Category 335.
341	347,702 dozen.
342	217,211 dozen.
351	361,367 dozen.
447/448	21,785 dozen.
636	401,225 dozen.
641	734,405 dozen of which not more than 257,042 dozen shall be in Category 641–Y [17].
651	453,179 dozen.
Group III	
Sublevel in Group III	
845	855,939 dozen.

[1] Category 369–S: only HTS number 6307.10.2005.

[2] Category 369–O: all HTS numbers except 6307.10.2005 (Category 369–S); and 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.22.4020, 4202.22.4500, 4202.22.8030, 4202.32.4000, 4202.32.9530, 4202.92.0505, 4202.92.1500, 4202.92.3016, 4202.92.6091, 5601.10.1000, 5601.21.0090, 5701.90.1020, 5701.90.2020, 5702.10.9020, 5702.39.2010, 5702.49.1020, 5702.49.1080, 5702.59.1000, 5702.99.1010, 5702.99.1090, 5705.00.2020, 5805.00.3000, 5807.10.0510, 5807.90.0510, 6301.30.0010, 6301.30.0020, 6302,51.1000, 6302.51.2000, 6302.51.3000, 6302.51.4000, 6302.60.0010, 6302.60.0030, 6302.91.0005, 6302.91.0025, 6302.91.0045, 6302.91.0050, 6302.91.0060, 6303.11.0000, 6303.91.0010, 6303.91.0020, 6304.91.0020, 6304.92.0000, 6305.20.0000, 6306.11.0000, 6307.10.1020, 6307.10.1090, 6307.90.3010, 6307.90.4010, 6307.90.5010, 6307.90.8910, 6307.90.8945, 6307.90.9882, 6406.10.7700, 9404.90.1000, 9404.90.8040 and 9404.90.9505 (Category 369pt.).

[3] Category 469pt.: all HTS numbers except 5601.29.0020, 5603.94.1010, 6304.19.3040, 6304.91.0050, 6304.99.1500, 6304.99.6010, 6308.00.0010 and 6406.10.9020.

[4] Category 666pt.: all HTS numbers except 5805.00.4010, 6301.10.0000, 6301.40.0010, 6301.40.0020, 6301.90.0010, 6302.53.0010, 6302.53.0020, 6302.53.0030, 6302.93.1000, 6302.93.2000, 6303.12.0000, 6303.19.0010, 6303.92.1000, 6303.92.2010, 6303.92.2020, 6303.99.0010, 6304.11.2000, 6304.19.1500, 6304.19.2000, 6304.91.0040, 6304.93.0000, 6304.99.6020, 6307.90.9884, 9404.90.8522 and 9404.90.9522.

[5] Category 239pt.: only HTS number 6209.20.5040 (diapers).

[6] Category 331pt.: all HTS numbers except 6116.10.1720, 6116.10.4810, 6116.10.5510, 6116.10.7510, 6116.92.6410, 6116.92.6420, 6116.92.6430, 6116.92.6440, 6116.92.7450, 6116.92.7460, 6116.92.7470, 6116.92.8800, 6116.92.9400 and 6116.99.9510.

[7] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[8] Category 659–H: only HTS numbers 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090 and 6505.90.8090.

[9] Category 359pt.: all HTS numbers except 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010 (Category 359–C); 6115.19.8010, 6117.10.6010, 6117.20.9010, 6203.22.1000, 6204.22.1000, 6212.90.0010, 6214.90.0010, 6406.99.1550, 6505.90.1525, 6505.90.1540, 6505.90.2060 and 6505.90.2545.

[10] Category 459pt.: all HTS numbers except 6115.19.8020, 6117.10.1000, 6117.10.2010, 6117.20.9020, 6212.90.0020, 6214.20.0000, 6405.20.6030, 6405.20.6060, 6405.20.6090, 6406.99.1505 and 6406.99.1560.

[11] Category 631pt.: all HTS numbers except 6116.10.1730, 6116.10.4820, 6116.10.5520, 6116.10.7520, 6116.93.8800, 6116.93.9400, 6116.99.4800, 6116.99.5400 and 6116.99.9530.

[12] Category 659–S: only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.

[13] Category 659pt.: all HTS numbers except 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017, 6211.43.0010 (Category 659–C); 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020 (Category 659–S); 6115.11.0010, 6115.12.2000, 6117.10.2030, 6117.20.9030, 6212.90.0030, 6214.30.0000, 6214.40.0000, 6406.99.1510 and 6406.99.1540.

[14] Category 347–W: only HTS numbers 6203.19.1020, 6203.19.9020, 6203.22.3020, 6203.22.3030, 6203.42.4005, 6203.42.4010, 6203.42.4015, 6203.42.4025, 6203.42.4035, 6203.42.4045, 6203.42.4050, 6203.42.4060, 6203.49.8020, 6210.40.9033, 6211.20.1520, 6211.20.3810 and 6211.32.0040; Category 348–W: only HTS numbers 6204.12.0030, 6204.19.8030, 6204.22.3040, 6204.22.3050, 6204.29.4034, 6204.62.3000, 6204.62.4005, 6204.62.4010, 6204.62.4020, 6204.62.4030, 6204.62.4040, 6204.62.4050, 6204.62.4055, 6204.62.4065, 6204.69.6010, 6204.69.9010, 6210.50.9060, 6211.20.1550, 6211.20.6810, 6211.42.0030 and 6217.90.9050.

[15] Category 640–Y: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2060.

[16] Category 647–W: only HTS numbers 6203.23.0060, 6203.23.0070, 6203.29.2030, 6203.29.2035, 6203.43.2500, 6203.43.3500, 6203.43.4010, 6203.43.4020, 6203.43.4030, 6203.43.4040, 6203.49.1500, 6203.49.2015, 6203.49.2030, 6203.49.2045, 6203.49.2060, 6203.49.8030, 6210.40.5030, 6211.20.1525, 6211.20.3820 and 6211.33.0030; Category 648–W: only HTS numbers 6204.23.0040, 6204.23.0045, 6204.29.2020, 6204.29.2025, 6204.29.4038, 6204.63.2000, 6204.63.3000, 6204.63.3510, 6204.63.3530, 6204.63.3532, 6204.63.3540, 6204.69.2510, 6204.69.2530, 6204.69.2540, 6204.69.2560, 6204.69.6030, 6204.69.9030, 6210.50.5035, 6211.20.1555, 6211.20.6820, 6211.43.0040 and 6217.90.9060.

[17] Category 641–Y: only HTS numbers 6204.23.0050, 6204.29.2030, 6206.40.3010 and 6206.40.3025.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 2002 shall be charged to the applicable category limits for that year (see directive dated December 20, 2001) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

The conversion factors are as follows:

Category	Conversion factors (square meters equivalent/category unit)
333/334/335	33.75
352/652	11.3
359–C/659–C	10.1
633/634/635	34.1
638/639	12.5

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to 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. 02–28640 Filed 11–8–02; 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 December 12, 2002.

FOR FURTHER INFORMATION CONTACT: Nancy Yanofsky, Division of Market Oversight, U.S. Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581, (202) 418–5292; fax: (202) 418–5527; e-mail: *nyanofsky@cftc.gov* and refer to OMB Control No. 3038–0048.

SUPPLEMENTARY INFORMATION:

Title: Off-Exchange Agricultural Trade Options (OMB Control No. 3038–0048).

This is a request for extension of a currently approved information collection.

Abstract: Off-Exchange Agricultural Trade Options, OMB Control No. 3038–0048—Extension.

In April 1998, the Commodity Futures Trading Commission (Commission or CFTC) removed the prohibition on off-exchange trade options on the enumerated agricultural commodities subject to a number of regulatory conditions. 63 FR 18821 (April 16, 1998). Thereafter, the Commission streamlined the regulatory or paperwork burdens in order to increase the utility of agricultural trade options while maintaining basic customer protections. 64 FR 68011 (Dec. 6, 1999).

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 September 26, 2002 (67 FR 60641).

Burden statement: The respondent burden for this collection is estimated to average 5.59 hours per response.

Respondents/Affected Entities: 360.

Estimate number of responses: 411.

Estimated total annual burden on respondents: 2,301 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. 3038–0048 in any correspondence.

Nancy Yanofsky, Division of Market Oversight, U.S. 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: November 5, 2002.

Catherine D. Dixon,

Assistant Secretary of the Commission.

[FR Doc. 02–28580 Filed 11–8–02; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Notice of Availability of a Financial Assistance Solicitation for Cooperative Agreement Proposals

AGENCY: Chicago Operations Office, DOE.

ACTION: Notice of solicitation availability.

SUMMARY: The Department of Energy (DOE) announces its interest in receiving applications for research and development and demonstration in the area of the Advanced Communications and Controls Program (ACCP). The objective of the solicitation is to demonstrate sensing, communication, information and control technologies to achieve a seamless integration of multi-vendor distributed energy resources (DER) units at aggregation levels that meet individual user requirements for facility operations (residential, commercial, industrial, manufacturing, etc.) and further serve as resource options for electric and natural gas utilities.

DATES: Solicitation Number DE–SC02–03CH11139 and any amendments will be available on DOE's ''Industry Interactive Procurement System'' (IIPS) Web page located at *http://e-center.doe.gov* on or about November 22, 2002. All applications must have an IIPS transmission time stamp of not later than 11:59 A.M. Eastern Time on the date specified in the solicitation, which is expected to be on or about January 31, 2003.

ADDRESSES: Prospective applicants are advised to check the above Internet address on a daily basis. All applications must be submitted through IIPS in accordance with the instructions provided in the solicitation and the IIPS User Guide, which can be obtained by going to the IIPS Secured Services site at *http://e-center.doe.gov* under the ''HELP'' section of the Web site. Applicants must register in IIPS prior to submitting an application. Only registered users will have the capability to transmit their applications in a responsive manner. Applicants are strongly encouraged to register with IIPS as soon as possible prior to the application deadline. If you need technical assistance in registering or for any other IIPS function, call the IIPS Help Desk at (800) 683–0751 or E-mail the Help Desk personnel at IIPS HelpDesk@e-center.doe.gov. The solicitation will only be made available in IIPS, no hard (paper) copies of the solicitation and related documents will be made available. All applications must have an IIPS transmission time stamp of not later than 11:59 A.M. Eastern Time on the date specified in the solicitation, which is expected to be on or about January 31, 2003. Applicants are advised to begin transmission 24 hours in advance of the deadline in order to prevent any transmission difficulties. The solicitation and any subsequent amendments will be published on the above mentioned Internet address.

FOR FURTHER INFORMATION CONTACT: Kristin E. Palmer, (630) 252–2708.

SUPPLEMENTARY INFORMATION: The scope of work for this cooperative research and development and demonstration solicitation will be in two phases. This solicitation will be for Phase I applications only, but will describe some aspects of possible Phase II awards as reference information. It is DOE's intent to evaluate submitted designs and business plans in Phase I, and support the further testing of only the most promising approaches in Phase II. Phase I activities involve the design and the proof-of-design stage and Phase II involves the demonstration of the Phase I design architecture to a large scale in real-world settings while integrating with the operations of one or more feeder lines. The duration of the Phase I project is estimated to be six months, with the entire project's scope of work—for Phase I and Phase II combined—to be completed within 2.5 years. DOE expects to award about four to six cooperative agreements under this solicitation for Phase I. It is anticipated that two or three of the Phase I applicants will proceed to Phase II. Only Phase I awardees will be eligible for consideration for Phase II. Estimated total DOE funding for Phase I is $1.2M. Subject to the availability of funds, the estimated total of any future DOE funding for Phase II is $1.8M. A minimum non-federal cost sharing commitment of 20% of the total proposed costs for Phase I is required. A minimum non-federal cost sharing commitment of 50% of the total proposed costs for Phase II is required.

The purpose of this solicitation is to invite interested parties to submit an application for cost-shared cooperative agreements with the Department of Energy (DOE) for research and development and demonstration for integrated communication and control solutions that would enable interoperable and integrated operation of large numbers of distributed energy resources from varying suppliers to achieve optimization in power quality,

power reliability and economic performance. The fully demonstrated DER aggregation system with embodiment of communication and control technologies will lead to real-time, interactive customer-managed service networks to achieve greater customer value. Any for-profit or non-profit organization or other institution of higher education, or non-federal agency or entity is eligible to apply, unless otherwise restricted by the Simpson-Craig Amendment. Integrated project teams that include electric utilities (investor-owned, municipal, cooperative), energy service companies, DER suppliers, information technology providers and customers who will use the aggregated DER system are highly encouraged. Collaborations with state energy agencies, national laboratories and universities are also encouraged. DOE National Laboratory participation as a subcontractor to an awardee under this solicitation is limited to no more than 20% of the total cost of all tasks to be performed. The solicitation when issued will include a narrative scope of work, program requirements, qualification criteria, evaluation criteria, and other information. Specific response instructions and deadlines will be included in the solicitation package.

Issued in Argonne, Illinois on October 24, 2002.

John D. Greenwood,

Assistant Manager for Acquisition and Assistance.

[FR Doc. 02–28653 Filed 11–8–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Policy Statement; Energy Information Administration Policy for Revisions to the Weekly Natural Gas Storage Report

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Policy statement. Energy Information Administration policy for revisions to the Weekly Natural Gas Storage Report.

SUMMARY: The EIA has established a policy for revisions to weekly estimates of working gas volumes held in underground storage facilities at the national and regional levels disseminated in EIA's Weekly Natural Gas Storage Report (WNGSR). Under this policy, revisions shall be disseminated in the WNGSR according to the established schedule and shall occur when the effect of reported changes is at least 7 billion cubic feet (Bcf) at either a regional or national level. Revisions shall not be disseminated outside the established schedule. EIA is deferring temporarily further updates in estimation parameters, and is exploring ways to minimize revisions, including analysis of the sensitivity of the estimates to parameter changes. EIA will continue with the current estimation parameters and will report revisions as a result of respondent changes only, until further change is announced in the Weekly Natural Gas Storage Report.

DATES: This policy becomes effective on November 12, 2002.

ADDRESSES: Requests for additional information or questions about this policy should be directed to William Trapmann. Mr. Trapmann may be contacted by telephone ((202) 586–6408), fax ((202) 586–4220), or e-mail (*William.Trapmann@eia.doe.gov*). These methods are recommended to expedite contact. His mailing address is Energy Information Administration, EI–44, Forrestal Building, U.S. Department of Energy, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: The WNGSR is available on EIA's Internet site at *http://tonto.eia.doe.gov/oog/info/ngs/ngs.html.* The survey Form EIA–912 and instructions used to collect information for the WNGSR are available at *http://www.eia.doe.gov/oil_gas/natural_gas/survey_forms/nat_survey_forms.html.*

SUPPLEMENTARY INFORMATION:

I. Background
II. Discussion of Comments
III. Current Actions

I. Background

The Federal Energy Administration Act of 1974 (Pub. L. 93–275, 15 U.S.C. 761 *et seq.*) and the DOE Organization Act (Pub. L. No. 95–91, 42 U.S.C. 7101 *et seq.*) require the EIA to carry out a centralized, comprehensive, and unified energy information program. This program collects, evaluates, assembles, analyzes, and disseminates information on energy resource reserves, production, demand, technology, and related economic and statistical information. This information is used to assess the adequacy of energy resources to meet near and longer term domestic demands.

EIA's Weekly Natural Gas Storage Report (WNGSR) provides weekly estimates of working gas volumes held in underground storage facilities at the national and regional levels. The WNGSR became a new EIA information product in 2002 replacing an American Gas Association (AGA) report begun in 1994 and discontinued in 2002. WNGSR users include policymakers, commodity and financial market analysts, and industry experts. EIA uses the data to prepare analytical products assessing storage operations and the impact on supplies available, and to analyze relationships between demand, heating-degree-days, and inventory levels.

The WNGSR is based on information collected on Form EIA–912, ''Weekly Underground Gas Storage Report.'' Form EIA–912 respondents provide estimates for working gas in storage as of 9 a.m. Friday each week. The deadline for submitting reports to the EIA is 5 p.m. Eastern Time the following Monday, except when Monday is a Federal holiday. In that case, forms should be submitted by 5 p.m. on Tuesday. The WNGSR is released on Thursday between 10:30 and 10:40 a.m. Eastern Time on EIA's Web site (*http://tonto.eia.doe.gov/oog/info/ngs/ngs.html*), except when Thursday is a Federal holiday. Notification of changes in this general schedule is maintained on the EIA Web site at *http://tonto.eia.doe.gov/oog/info/ngs/schedule.html.*

The EIA provides the public and other Federal agencies with opportunities to comment on collections of energy information conducted by EIA. As appropriate, EIA also requests comments on important issues relevant to EIA dissemination of energy information. Comments received help the EIA when preparing information collections and information products necessary to EIA's mission.

On July 11, 2002, EIA issued a **Federal Register** notice (67 FR 45963) requesting public comments on a proposed policy for revisions to information disseminated in the WNGSR. In that notice, EIA discussed the reasons for WNGSR revisions as well as a proposed policy for both scheduled (*i.e.*, the revised information is disseminated in the next scheduled WNGSR) and unscheduled revisions (*i.e.*, the revisions are of such magnitude and interest that revised WNGSR information would be disseminated prior to the next scheduled WNGSR).

II. Discussion of Comments

In response to the **Federal Register** notice requesting comments on the proposed WNGSR revision policy, EIA received 28 sets of comments. Most of the comments were from energy firms and trade groups.

The comments tended to focus on the following general issues for which EIA specifically requested a response:

- Whether EIA should release revised estimates in the Weekly Natural Gas

Storage Report outside the established schedule.

• The timing and prenotification of unscheduled revisions.

• The appropriateness of the suggested thresholds for revisions—a lower threshold to trigger any revision and a larger one to trigger an unscheduled release of revised estimates.

As to whether EIA should release revisions to the Weekly Natural Gas Storage Report outside the established schedule, 13 respondents indicated that EIA should issue revisions only on the official schedule, while 7 indicated that unscheduled releases were appropriate and the remaining respondents (8) did not express a preference. Most of the respondents who preferred no unscheduled releases expressed concerns that unscheduled releases of revisions would increase market volatility, increase resource costs in managing their analytical efforts, and that not having unscheduled releases would promote fairness and consistency in the marketplace. Most of the respondents who were in favor of unscheduled releases argued that providing the market with the better data more promptly would ensure the accuracy of the storage data and enhance the efficacy of the pricing mechanism by reducing uncertainty in gas markets.

On the timing and prenotification of unscheduled releases, 4 respondents indicated that EIA should not provide early notification, 2 indicated that prenotification was appropriate, and the remaining 22 respondents did not state a preference. As with the question of whether to have unscheduled releases, respondents opposed to pre-notification 24 hours ahead of the release of a revision cited increased price volatility as their major concern. Respondents in favor of prenotification asserted that the early notice would give market participants time to prepare for the new information and help ensure that they would receive the information simultaneously.

With regard to the appropriateness of the suggested thresholds for revisions, most respondents did not explicitly state a preference. The lower threshold of 7 billion cubic feet (Bcf) for revisions that are released according to the established schedule was considered appropriate by seven respondents, and one respondent recommended a threshold of 1 Bcf. No other opinions regarding the lower threshold were expressed.

For revisions released outside the regular schedule, the large threshold of 35 Bcf was considered appropriate by three respondents, and three respondents recommended thresholds in the 20-to-25 Bcf range. Those who recommended larger thresholds for unscheduled revisions sought to minimize the number of revisions that EIA would have to make, while those who suggested smaller thresholds generally sought to enhance the accuracy of the data.

EIA's Response to Comments Received

Comments regarding the revision policy. EIA finds that the comments on the issue of unscheduled releases of revisions are thoughtful and reflect the nature of the tradeoff in developing a revision policy: the benefit of having the most accurate data immediately available versus the costs of this immediacy. While the costs to market participants to monitor for and react to unscheduled releases of revisions on an ongoing basis seem clear and may be substantial, the benefits of providing out-of-cycle revisions are not as clear or measurable. Market participants would have to undertake the costs of monitoring for the possibility of an unscheduled release each week, regardless of whether there actually is a revision. However, benefits of an out-of-cycle release would accrue only when there is an out-of-cycle release. Furthermore, while the likelihood of a revision of 35 Bcf or more cannot be known, it may be highly unlikely given that such a large revision only occurred once in the more than 8-year history of the AGA weekly storage survey. Thus, the benefits of unscheduled releases are likely outweighed by the ongoing costs and other costs associated with an unexpected release.

Other costs of instituting an unscheduled release policy likely include ensuring that all market participants receive the information simultaneously and increased market volatility. By its very nature, unscheduled releases make ensuring fairness to all market participants problematic, because market participants will likely not learn of a revision at the same time. It was suggested to institute a set day and time for out-of-cycle revisions, however this does not eliminate the burden for the market participants who will have to monitor EIA for a possible revision. Additionally, a prenotification to inform market participants of an upcoming revision would give an advantage to the individuals who hear about the upcoming revision first, as they may be able to infer the direction of the revision and anticipate its effect on prices. Markets react to news, and volatility appears to be a function of the news. Price volatility is the dynamic process of price adjustment as markets react to news and digest the ramifications of the news on prices. Each new announcement that EIA makes about the market-moving storage number will likely be accompanied by attendant price volatility. As an independent, policy neutral, statistical agency, it seems prudent for EIA to adopt an unobtrusive stance, and to minimize the number of announcements that it makes regarding new weekly storage data.

Additional comments on other issues. Some respondents submitted comments on issues related to the Weekly Natural Gas Storage Report for which EIA did not specifically request a response. In general, these comments fell into two broad categories: concerns about enforcement and penalties for bad data, and suggested methodological changes to the survey and estimation.

With regard to enforcement and penalties for bad data, EIA would like to reassure those respondents that the EIA–912, ''Weekly Underground Natural Gas Storage Report,'' is mandatory under Pub. L. 93–275. Failure to comply may result in criminal fines, civil penalties, and other sanctions as provided by law. Title 18 U.S.C 1001 makes it a criminal offense for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious, or fraudulent statements as to any matter within its jurisdiction.

EIA conducts due diligence in confirming that the data submitted are accurate and of high quality. In fact, these data quality efforts resulted in a number of revisions in the early weeks of the survey. The resolution of difficulties typical of any new survey often required resubmission of an entire series of data reports from respondents, which resulted in revised estimates. It is important to note that these resubmissions of respondent information occurred at the request of EIA to improve data quality. Except for the requested resubmissions, respondents have rarely submitted adjustments to previous data.

EIA believes that the initial start-up problems have been resolved. In the first 10 weeks that EIA issued weekly storage reports, five revisions were issued, but only one revision was necessary in the following 15 weeks through October 24, 2002. Reasons for revisions in monthly and weekly data include resolution of:

• Companies' reporting responsibilities for their field operations; *e.g.*, fields included in company submissions did not coincide with EIA's specifications.

• Questions about how joint operations of a field should be reported; *e.g.*, companies did not always report on all gas contained in a field, instead only on the volumes they owned.

• Questions about whether gas should be identified as base or working; *e.g.*, some respondents inadvertently reported total gas volumes rather than working gas volumes.

Methodological comments included a recommendation that the EIA–912 should be a census rather than a sample survey, suggestions on smoothing the estimation parameters when shifting reference months, and increasing the level of significant digits that respondents should include when reporting their data. A sample survey was chosen instead of a census, because a census would have increased respondent burden substantially without providing significantly more accuracy than a sample survey. EIA's objective in selection of the sample was to attain a coefficient of variation less than or equal to 5 percent in the estimates for each region. This was attained without imposing the additional cost and burden of a census on respondents. EIA currently is reviewing its methodology and investigating the possibility of using different smoothing and estimation methods. EIA is deferring temporarily further updates in estimation parameters, and is exploring ways to minimize revisions, including analysis of the sensitivity of the estimates to parameter changes. EIA will continue with the current estimation parameters and will report revisions as a result of respondent changes only, until further notice. The methodology may change when the analysis effort has been completed. Any changes to the current methodology will be announced in the WNGSR and suitable documentation will be posted on the EIA Internet Website.

III. Current Actions

EIA is establishing a policy for revisions to information disseminated in the WNGSR. With respect to the treatment of revisions to WNGSR data, EIA had proposed a policy that covered the release of information under two different scenarios : (1) Releasing any revisions only with the release of the regularly scheduled WNGSR, and (2) including relatively small volume revisions (*i.e.*, between 7 Bcf and 35 Bcf) with the regularly scheduled release and conducting unscheduled releases of major revisions of 35 Bcf or greater.

The comments received in response to the **Federal Register** notice did not produce a clear consensus on issues raised. However EIA used the comments to reach certain conclusions regarding a proper revision policy. A plurality of respondents indicated that 7 Bcf is an appropriate threshold to trigger revisions to previously published estimates. EIA has begun statistical analyses to explore further the issue of the size for the threshold that would trigger a revision, and to evaluate the current estimation methodology. However, in the interim, 7 Bcf will be retained as the active threshold.

EIA proposed a 35 Bcf threshold to trigger unscheduled releases of revisions because it is roughly equivalent to one standard deviation of the working gas in storage estimate that prevailed in the early weeks of the WNGSR when stock estimates and the associated standard deviations are expected to be around their lowest level. The suggestions from respondents on specific thresholds seemed to be drawn from judgment based on industry experience and did not seem to have an empirical basis.

Nonetheless, a plurality of respondents opposed the notion of unscheduled releases of revised estimates. In light of these comments and without an empirical basis on which to institute an unscheduled release policy, EIA decided that it would not be prudent to do so at this time. EIA also considered the possibility of maintaining the discretion to disseminate an unscheduled revision if the organization decides that events may warrant it. However, as a policy neutral organization, EIA recognizes that a plan to exercise this discretion with the market-moving storage series could be more disruptive than beneficial.

EIA WNGSR revisions policy. Scheduled revisions shall be disseminated in the WNGSR according to the established schedule and shall occur when the effect of reported changes is at least 7 billion cubic feet (Bcf) at either a regional or national level. If a revision is made, changes to all regions shall be recorded. Consequently, although all respondents' changes shall be entered into EIA's database for editing, imputation, and other analytic purposes, the changes shall only lead to a published revision when it exceeds the 7 Bcf threshold. Revisions shall not be disseminated on an unscheduled basis.

EIA reserves the right to revisit or amend this policy. However, EIA shall not issue unscheduled revisions or establish a new revision policy without prior notification in the Weekly Natural Gas Storage Report or the **Federal Register.**

Statutory Authority: Section 52 of the Federal Energy Administration Act (Pub. L. No. 93–275, 15 U.S.C. 790a).

Issued in Washington, DC, November 4, 2002.

Nancy J. Kirkendall,

Director, Statistics and Methods Group, Energy Information Administration.

[FR Doc. 02–28652 Filed 11–8–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC02–520–001, FERC–520]

Commission Information Collection Activities, Proposed Collection; Comment Request; Submitted for OMB Review

November 4, 2002.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice.

SUMMARY: In compliance with the requirements of Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507, the Federal Energy Regulatory Commission (Commission) has submitted the information collection described below to the Office of Management and Budget (OMB) for review and extension of the current expiration date. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission received no comments in response to an earlier **Federal Register** notice of August 16, 2002 (67 FR 54410-54412) and has noted this fact in its submission to OMB.

DATES: Comments on the collection of information are due by December 3, 2002.

ADDRESSES: Address comments on the collection of information to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Federal Energy Regulatory Commission Desk Officer, 725 17th Street, NW., Washington, DC 20503. The Desk Officer may be reached by telephone at 202–395–7856. A copy of the comments should also be sent to the Federal Energy Regulatory Commission, Office of the Chief Information Officer, CI–1, Attention: Michael Miller, 888 First Street NE., Washington, DC 20426. Comments may be filed either in paper format or electronically. Those persons filing electronically do not need to make a paper filing. For paper filings, such

comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE. Washington, DC 20426 and refer to Docket No. IC02–520–001.

Documents filed electronically via the Internet must be prepared in WordPerfect, MS Word, Portable Document Format, or ASCII format. To file the document, access the Commission's Web site at *http://www.ferc.gov* and click on ''Make an E-filing,'' and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgment to the sender's E-mail address upon receipt of comments. User assistance for electronic filings is available at 202–208–0258 or by e-mail to *efiling@ferc.fed.us*. Comments should not be submitted to the e-mail address.

All comments may be viewed, printed or downloaded remotely via the Internet through FERC's homepage using the FERRIS link. User assistance for FERRIS is available at 202–502–8222, or by e-mail to *contentmaster@ferc.fed.us*.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 502–8415, by fax at (202)208–2425, and by e-mail at *michael.miller@ferc.gov*.

SUPPLEMENTARY INFORMATION:

Description

The information collected and submitted for OMB review contains:

1. *Collection of Information*: FERC–520 ''Application for Authority to Hold Interlocking Directorate Positions''.

2. *Sponsor*: Federal Energy Regulatory Commission.

3. *Control No.* 1902–0083.

The Commission is now requesting that OMB approve a three-year extension of the current expiration date, with no changes to the existing collection. This is a mandatory information collection requirement and the Commission does not consider the information to be confidential.

4. *Necessity of the Collection of Information*: Submission of the information is necessary to enable the Commission to carry out its responsibilities in implementing the statutory provisions of the Federal Power Act (FPA.), Section 305(b), 16 U.S.C. 825(d), and 825(j). Section 305(b) makes the holding of certain defined interlocking corporate positions unlawful, unless the Commission has authorized the interlocks to be held. The information submitted by the applicant to show in a form and manner as prescribed by the Commission, that neither public nor private interests will be adversely affected by the holding of the position. The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR part 45.

Under part 45 each person that desires to hold an interlocking position (Interlocking Directorates are defined as a number of separately organized and functioning corporations managed by the same or nearly the same group of directors) must submit an application to the Commission for authorization, or if qualified, comply with the requirements for automatic authorization. The information required under Part 45 generally identifies the applicant, describes the various interlocking positions the applicant seeks authorization to hold, provides information on the applicant's financial interests, other officers and directors of the firms involves, and the nature of the business relationships among the firms.

The Commission uses the information as part of its interlocking directorate oversight and enforcement responsibilities in accordance with the FPA and with FERC's regulations as referenced above. Without this information, the FERC would be unable to examine and approve or deny interlocking directorates of public utility officers and directors. The FERC may employ enforcement proceedings when violations occur.

5. *Respondent Description*: The respondent universe currently comprises (on average) 28 entities subject to the Commission's jurisdiction.

6. *Estimated Burden*: 1,450 total hours, 28. respondents(average), 1 response per respondent annually, 51.8 hours per response (average).

7. *Estimated Cost Burden to respondents*: $81,591 (28 respondents x $117,041 2080). The cost per respondent = $2,914 (rounded off).

Statutory Authority: Sections 305 of the Federal Power Act, 16 U.S.C. 825(d).

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–28583 Filed 11–8–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC02–598–001, FERC–598]

Commission Information Collection Activities, Proposed Collection; Comment Request; Submitted for OMB Review

November 5, 2002.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice.

SUMMARY: In compliance with the requirements of Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507, the Federal Energy Regulatory Commission (Commission) has submitted the information collection described below to the Office of Management and Budget (OMB) for review and extension of the current expiration date. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission received no comments in response to an earlier **Federal Register** notice of August 22, 2002 (67 FR 54412) and has noted this fact in its submission to OMB.

DATES: Comments on the collection of information are due by December 4, 2002.

ADDRESSES: Address comments on the collection of information to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Federal Energy Regulatory Commission Desk Officer, 725 17th Street, NW., Washington, DC 20503. The Desk Officer may be reached by telephone at 202–395–7856. A copy of the comments should also be sent to the Federal Energy Regulatory Commission, Office of the Chief Information Officer, CI–1, Attention: Michael Miller, 888 First Street NE., Washington, DC 20426. Comments may be filed either in paper format or electronically. Those persons filing electronically do not need to make a paper filing. For paper filings, such comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE. Washington, DC 20426 and refer to Docket No. IC02–598–001.

Documents filed electronically via the Internet must be prepared in WordPerfect, MS Word, Portable Document Format, or ASCII format. To file the document, access the Commission's Web site at *http://www.ferc.gov* and click on ''Make an E-filing,'' and then follow the instructions

for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgment to the sender's E-mail address upon receipt of comments. User assistance for electronic filings is available at 202–208–0258 or by e-mail to *efiling@ferc.fed.us.* Comments should not be submitted to the e-mail address.

All comments may be viewed, printed or downloaded remotely via the Internet through FERC's homepage using the FERRIS link. User assistance for FERRIS is available at 202–502–8222, or by e-mail to *contentmaster@ferc.fed.us.*

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202)502–8415, by fax at (202)208–2425, and by e-mail at *michael.miller@ferc.gov.*

SUPPLEMENTARY INFORMATION:

Description

The information collected and submitted for OMB review contains:

1. *Collection of Information:* FERC–598 ''Determination for Entities Seeking Exempt Wholesale Generator Status''.

2. *Sponsor:* Federal Energy Regulatory Commission.

3. Control No. 1902–0166.

The Commission is now requesting that OMB approve a three-year extension of the current expiration date, with no changes to the existing collection. This is a mandatory information collection requirement and the Commission does not consider the information to be confidential.

4. *Necessity of the Collection of Information:* Submission of the information is necessary to enable the Commission to carry out its responsibilities in implementing the statutory provisions of Section 32 of the Public Utility Holding Company Act of 1935 (PUHCA), as amended by Section 711 of the Energy Policy Act of 1992, Pub.L. 102–486. Section 32(a) of PUHCA defines an Exempt Wholesale Generator (EWG) as an individual determined by the Commission to be engaged directly or indirectly through one or more affiliates, and exclusively in the business of owning and/or operating all or part of eligible facilities and selling electric energy at wholesale. An eligible facility may include interconnecting transmission facilities necessary to effect wholesale power sales.

Persons granted EWG status will be exempt from regulation under PUHCA. The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR part 365.

The information is collected by the Commission in the form of a written application for determination of status as an EWG. These applications are reviewed by the Commission in order to assess as to whether the applicant meets the statutory requirements for EWG status. Without this information, the FERC would be unable to meet it statutory obligations and make the appropriate determinations.

5. *Respondent Description:* The respondent universe currently comprises (on average) 112 entities subject to the Commission's jurisdiction

6. *Estimated Burden:* 672 total hours, 112 respondents(average), 1 response per respondent annually, 6 hours per response (average).

7. *Estimated Cost Burden to respondents:* $37,813 (112 respondents × $117,041 2080). The cost per respondent = $338 (rounded off).

Statutory Authority: Section 32 of the Public Utility Holding Company Act, 15 U.S.C. 79 *et seq.*

Magalie R. Salas,

Secretary.

[FR Doc. 02–28731 Filed 11–8–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–52–000]

Algonquin Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

November 4, 2002.

Take notice that on October 31, 2002, Algonquin Gas Transmission Company (Algonquin) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, Thirteenth Revised Sheet No. 40, to become effective on December 1, 2002.

Algonquin is filing to revise its Fuel Reimbursement Percentages (FRPs) for the calendar period beginning December 1, 2002, pursuant to Section 32 of the General Terms and Conditions of its FERC Gas Tariff. Algonquin states that, based on the latest actual annual data for Company Use Gas and throughput quantities for the twelve month period ending July 31, 2002, the FRP for the Winter period has increased by 0.8%, and by 0.06% for the non-Winter period.

Algonquin further states that it is submitting the calculation of the deferral allocation pursuant to Section 32.5(c) which provides that Algonquin will calculate surcharges or refunds designed to amortize the net monetary value of the balance in the FRQ Deferred Account at the end of the previous accumulation period.

Algonquin states that, for the period August 1, 2001 through July 31, 2002, the FRQ Deferred Account resulted in a net debit balance that will be recovered as a surcharge to Algonquin's customers, based on the allocation of the account balance over the actual throughput quantities during the accumulation period, exclusive of backhauls.

Algonquin states that copies of this filing were mailed to all affected customers of Algonquin and interested state commissions.

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. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–28599 Filed 11–8–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–51–000]

CenterPoint Energy—Mississippi River Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

November 4, 2002.

Take notice that on October 31, 2002, CenterPoint Energy—Mississippi River Transmission Corporation (MRT) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, to be effective December 1, 2002.

MRT states that the purpose of this filing is to revise its tariff to make certain changes primarily of a ''housekeeping'' nature and also to change references to its name to reflect its new name, CenterPoint Energy—Mississippi River Transmission Corporation.

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. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–28598 Filed 11–8–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–465–001]

CMS Trunkline Gas Company, LLC; Notice of Compliance Filing

November 4, 2002.

Take notice that on October 30, 2002, CMS Trunkline Gas Company, LLC (Trunkline) tendered for filing as part of its FERC Gas Tariff, Second revised volume no. 1, Sub second revised sheet no. 314, to become effective October 1, 2002.

Trunkline states that this filing is being made to comply with the Commission's letter order dated September 30, 2002, in Docket No. RP02–465–000 which requires Trunkline to remove standard 2.3.30 from section 28.6 of the general terms and conditions of its tariff.

Trunkline states that copies of this filing are being served on all jurisdictional customers, interested state regulatory agencies and parties to this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's rules and regulations. All such 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. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See,* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–28592 Filed 11–8–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–49–000]

CMS Trunkline Gas Company, LLC.; Notice of Credit Report

November 4, 2002.

Take notice that on October 31, 2002, CMS Trunkline Gas Company, LLC. (Trunkline) tendered for filing its Annual Interruptible Storage Revenue Credit Surcharge Adjustment in accordance with Section 24 of the General Terms and Conditions of its FERC Gas Tariff, Second Revised Volume No. 1.

Trunkline states that the purpose of this filing is to comply with Section 24 of the General Terms and Conditions of its FERC Gas Tariff, Second Revised Volume No. 1 which requires that at least 30 days prior to the effective date of adjustment, Trunkline shall make a filing with the Commission to reflect the adjustment, if any, required to Trunkline's Base Transportation Rates to reflect the result of the Interruptible Storage Revenue Credit Surcharge Adjustment. Trunkline further states that due to no interruptible storage activity, no adjustment is required to Base Transportation Rates.

Trunkline states that copies of this filing are being served on all affected customers and applicable state regulatory agencies.

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 on or before November 12, 2002. 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. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. Comments, protests and interventions may be filed electronically

via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–28596 Filed 11–8–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–446–001]

CMS Trunkline LNG Company, LLC; Notice of Compliance Filing

November 4, 2002.

Take notice that on October 30, 2002, CMS Trunkline LNG Company, LLC (TLNG) tendered for filing as part of its FERC Gas Tariff, First revised volume no. 1–A, Sub 1st rev first revised sheet no. 125, to become effective October 1, 2002.

TLNG states that this filing is being made to comply with the Commission's letter order dated September 30, 2002, in Docket No. RP02–446–000 which requires TLNG to remove standard 2.3.30 from section 21.6 of the general terms and conditions of its tariff.

TLNG states that copies of this filing are being served on all jurisdictional customers, interested state regulatory agencies and parties to this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's rules and regulations. All such 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. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–28591 Filed 11–8–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP00–326–003, RP00–605–003, and RP02–39–004]

Columbia Gulf Transmission Company; Notice of Compliance Filing

November 1, 2002.

Take notice that on October 28, 2002, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, revised tariff sheets, listed in Appendix A, to the filing.

Columbia Gulf states that this filing is made to revise various tariff sheets filed in Docket No. RP00–326–000 on July 31, 2001 pursuant to Order No. 637 and Order No. 637–A in compliance with the Commission's September 26, 2002 Order (100 FERC ¶ 61,344).

Columbia Gulf states that copies of its filing have been mailed to all parties on the official service list of this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such 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. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–28582 Filed 11–8–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–54–000]

Distrigas of Massachusetts LLC; Notice of Proposed Changes in FERC Gas Tariff

November 4, 2002.

Take notice that on October 31, 2002, Distrigas of Massachusetts LLC (DOMAC) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Fourteenth Revised Sheet No. 94, to become effective December 1, 2002.

DOMAC states that the purpose of this filing is to record semiannual changes in DOMAC's index of customers.

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. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See, 18 CFR 385.2001(a)(1)(iii) and the instructions

on the Commission's Web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–28601 Filed 11–8–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–50–000]

Enbridge Pipelines (KPC); Notice of Proposed Changes in FERC Gas Tariff

November 4, 2002.

Take notice that on October 31, 2002, Enbridge Pipelines (KPC) (KPC) tendered for filing to as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, to be made effective December 1, 2002.

KPC states that the purpose of the filing is to reflect the annual increase of $329,200 effective November 1, 2002 pursuant to Exhibit D of the Transok Lease as provided for in Section 15 of the General Terms and Conditions of its FERC Gas Tariff.

KPC states that copies of its transmittal letter and appendices have been mailed to all affected customers and interested state commissions.

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. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–28597 Filed 11–8–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–47–000]

Gulf South Pipeline Company, LP; Notice of Proposed Changes in FERC Gas Tariff

November 4, 2002.

Take notice that on October 31, 2002, Gulf South Pipeline Company, LP (Gulf South tendered for filing as part of its FERC Gas Tariff, Sixth revised volume no. 1, First revised sheet no. 902; Original sheet no. 903; Reserved sheet nos. 904–999; Third revised sheet no. 1709; and Second revised sheet no. 1710, to become effective December 1, 2002.

Gulf South states that this filing establishes a minimum volume threshold for new receipt and delivery points. This filing also requires that receipt points with volumes below a certain volume threshold to install certain equipment to ensure that pipeline quality gas is delivered to Gulf South.

Gulf South states that copies of this filing have been served upon Gulf South's customers, state commissions and other interested parties.

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. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. *See*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–28594 Filed 11–8–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–48–000]

Gulf South Pipeline Company, LP; Notice of Proposed Changes to FERC Gas Tariff

November 4, 2002.

Take notice that on October 31, 2002, Gulf South Pipeline Company, LP (Gulf South) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1 the following tariff sheets, to become effective December 1, 2002:

First Revised Sheet No. 101
Second Revised Sheet No. 301
Second Revised Sheet No. 1411
Second Revised Sheet No. 1412
First Revised Sheet No. 1413
First Revised Sheet No. 1414
Third Revised Sheet No. 1415
Second Revised Sheet No. 3702
First Revised Sheet No. 3704
First Revised Sheet No. 3710

Gulf South is proposing to remove prepayment requirements from its tariff related to requests for new transportation service.

Gulf South states that copies of this filing have been served upon Gulf South's customers, state commissions and other interested parties.

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. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–28595 Filed 11–8–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–466–001]

Panhandle Eastern Pipe Line Company; Notice of Compliance Filing

November 4, 2002.

Take notice that on October 30, 2002, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing as part of its FERC Gas Tariff, First revised volume no. 1, Sub eleventh revised sheet no. 339, to become effective October 1, 2002.

Panhandle states that this filing is being made to comply with the Commission's letter order dated September 30, 2002, in Docket No. RP02–466–000 which requires Panhandle to remove NAESB standard 2.3.30 from section 27.6 of the general terms and conditions of its tariff.

Panhandle states that copies of this filing are being served on all jurisdictional customers, interested state regulatory agencies and parties to this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's rules and regulations. All such 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. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See,* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–28593 Filed 11–8–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–445–001]

Sea Robin Pipeline Company; Notice of Compliance Filing

November 4, 2002.

Take notice that on October 30, 2002, Sea Robin Pipeline Company (Sea Robin) tendered for filing as part of its FERC Gas Tariff, First revised volume no. 1, the following revised tariff sheets to become effective October 1, 2002:

Sub eighth revised sheet no. 30a
First revised sheet no. 30b
Sub tenth revised sheet no. 95

Sea Robin states that this filing is being made to comply with the Commission's letter order dated September 30, 2002, in Docket No. RP02–445–000 which requires Sea Robin to fully incorporate standard 1.3.2 on Sheet no. 30a and to remove standard 2.3.30 from section 28.1 of the general terms and conditions of its tariff.

Sea Robin states that copies of this filing are being served on all jurisdictional customers, interested state regulatory agencies and parties to this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's rules and regulations. All such 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. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–28590 Filed 11–8–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–53–000]

Southern LNG Inc.; Notice of Proposed Changes to FERC Gas Tariff

November 4, 2002.

Take notice that on October 31, 2002, Southern LNG Inc. (SLNG) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Fifth Revised Sheet No. 5, and Fifth Revised Sheet No. 6, with an effective date of December 1, 2002.

SLNG states that the revised sheets are being filed in accordance with Section 24.2 of SLNG's Tariff to reflect changes in the electric power cost adjustment (EPCA) in SLNG's rates. SLNG proposes an EPCA rate of $0.0352/Dth.

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. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–28600 Filed 11–8–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–426–009]

Texas Gas Transmission Corporation; Notice of Compliance Filing

November 4, 2002.

Take notice that on October 30, 2002, Texas Gas Transmission Corporation (Texas Gas) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Fifth Revised Sheet No. 40, to become effective October 1, 2002.

Texas Gas states that the purpose of this filing is to reflect a non-conforming amendment to a service agreement in its tariff as required by Section 154.112(b) of the Commission's regulations.

Texas Gas states that copies of the revised tariff sheet are being mailed to the parties on the official service list for this docket number, Texas Gas's jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such 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. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–28589 Filed 11–8–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–288–028]

Transwestern Pipeline Company; Notice of Negotiated Rate

November 4, 2002.

Take notice that on October 31, 2002, Transwestern Pipeline Company (Transwestern) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets to become effective November 1, 2002:

Nineteenth Revised Sheet No. 5B.05
Original Sheet No. 5B.13

Transwestern states that the above sheets are being filed to implement a specific negotiated rate agreement with Dynegy Marketing and Trade accordance with the Commission's Policy Statement on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines. Transwestern states that the above referenced tariff sheets have been revised to reflect the new negotiated rate contract information.

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. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. *See*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–28588 Filed 11–8–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–55–000]

Wyoming Interstate Company, Ltd.; Notice of Tariff Filing

November 4, 2002.

Take notice that on October 31, 2002, Wyoming Interstate Company, Ltd. (WIC), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 2, Tenth Revised Sheet No. 4B, to become effective December 1, 2002.

WIC states that the tendered tariff sheet revises the fuel charges applicable to transportation service on WIC's system.

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. This filing is available for review at the

Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–28602 Filed 11–8–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–2317–001, et al.]

Delano Energy Company, Inc., et al.; Electric Rate and Corporate Regulation Filings

November 4, 2002.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Delano Energy Company, Inc.

[Docket No. ER02–2317–001]

Take notice that on October 30, 2002, Delano Energy Company, Inc. Tendered for filing with the Federal Energy Regulatory Commission (Commission) a refund report in compliance with a letter order dated August 30, 2002 issued in the above-proceeding.

Comment Date: November 20, 2002.

2. Southwest Power Pool, Inc.

[Docket Nos. ER02–2367–001]

Take notice that on October 28 2002, Southwest Power Pool, Inc. (SPP) submitted for filing a compliance filing required by the Federal Energy Regulatory Commission's (Commission) September 27, 2002 Order issued in the proceeding listed above. Southwest Power Pool, Inc., 100 FERC ¶61,358 (2002).

Comment Date: November 18, 2002.

3. CenterPoint Energy Houston Electric,

[LLC Docket No. ER02–2555–001]

Take notice that on October 30, 2002, CenterPoint Energy Houston Electric, LLC (CenterPoint Houston) tendered for filing with the Federal Energy Regulatory Commission (Commission) an errata to its September 16, 2002, filing of a revised Transmission Service Tariff for Transmission Service To, From and Over Certain Interconnection (TFO Tariff) in the captioned proceeding, adding the word ''Energy'' in the name of CenterPoint Energy Houston Electric, LLC, to Section 1.3 on Original Sheet No. 7 of the revised TFO Tariff (CenterPoint Houston's FERC Electric Tariff, Fifth Revised Volume No. 1).

Comment Date: November 20, 2002.

4. Pacific Gas and Electric Company

[Docket No. ER03–94–000]

Take notice that on October 30, 2002, Pacific Gas and Electric Company (PG&E) submitted an information package and annual rate update filing, including rate schedule sheet revisions, to become effective January 1, 2003, for its Reliability Must-Run Service Agreements (RMR Agreements) with the California Independent System Operator Corporation (ISO) for Helms Power Plant, Humboldt Bay Power Plant, Hunters Point Power Plant and San Joaquin Power Plant. The filing revises portions of these rate schedules and adjusts the applicable rates as required under the RMR Agreements.

Copies of PG&E's filing have been served upon the ISO, the California Electricity Oversight Board, and the California Public Utilities Commission.

Comment Date: November 20, 2002.

5. American Electric Power Service Corporation

[Docket No. ER03–95–000]

Take notice that on October 30, 2002, the American Electric Power Service Corporation (AEPSC), tendered for filing with the Federal Energy Regulatory Commission (Commission) Specifications for Long-Term Firm PTP Transmission Service for Duke Energy Trading and Marketing, L.L.C. These agreements are pursuant to the AEP Companies' Open Access Transmission Tariff (OATT) that has been designated as the Operating Companies of the American Electric Power System FERC Electric Tariff Third Revised Volume No. 6.

AEPSC requests waiver of notice to permit the Specifications for Long-Term Firm PTP Transmission Service to be effective on and after June 1, 2002.

A copy of the filing was served upon the Parties and the state utility regulatory commissions of Arkansas, Indiana, Kentucky, Louisiana, Michigan, Ohio, Oklahoma, Tennessee, Texas, Virginia and West Virginia.

Comment Date: November 20, 2002.

6. Ameren Services Company

[Docket No. ER03–96–000]

Take notice that on October 30, 2002, Ameren Services Company (ASC) tendered for filing with the Federal Energy Regulatory Commission (Commission) an executed Firm Point-to-Point Transmission Services between ASC and Ameren Energy, Inc. ASC asserts that the purpose of the Agreement is to permit ASC to provide transmission service to Ameren Energy, Inc. pursuant to Ameren's Open Access Transmission Tariff.

Comment Date: November 20, 2002.

7. Ameren Services Company

[Docket No. ER03–97–000]

Take notice that on October 30, 2002, Ameren Services Company (ASC) tendered for filing with the Federal Energy Regulatory Commission (Commission) an unexecuted Firm Point-to-Point Transmission Services between ASC and Cinergy Services Inc. acting as agent for Southwestern Electric Cooperative, Inc. ASC asserts that the purpose of the Agreement is to permit ASC to provide transmission service to Cinergy Services Inc. acting as agent for Southwestern Electric Cooperative, Inc. pursuant to Ameren's Open Access Transmission Tariff.

Comment Date: November 20, 2002.

8. West Penn Power Company (dba Allegheny Power)

[Docket No. ER03–98–000]

Take notice that on October 30, 2002, West Penn Power Company, dba Allegheny Power, filed Addenda to its Electric Service Agreement with PPL Electric Utilities Corporation, formerly Pennsylvania Power & Light Company, to add three delivery points. An effective date for the new delivery points of October 31, 2002 is requested.

Copies of the filing have been provided to the customer, the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, and the West Virginia Public Service Commission.

Comment Date: November 20, 2002.

9. Just Energy New York Texas, LLC

[Docket No. ER03–99–000]

Take notice that on October 30, 2002, Just Energy New York, LLC (Just Energy

New York) tendered for filing with the Federal Energy Regulatory Commission (Commission) a petition for acceptance of Just Energy New York Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission regulations.

Just Energy New York intends to engage in wholesale electric power and energy purchases and sales as a marketer. Just Energy New York is not in the business of generating or transmitting electric power. Just Energy New York sells electricity to customers in various deregulated states.

Comment Date: November 20, 2002.

10. Just Energy Texas, LLC

[Docket No. ER03–100–000]

Take notice that on October 30, 2002, Just Energy Texas, LLC (Just Energy Texas) petitioned the Commission for acceptance of Just Energy Texas Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission regulations.

Just Energy Texas intends to engage in wholesale electric power and energy purchases and sales as a marketer. Just Energy Texas is not in the business of generating or transmitting electric power. Just Energy Texas sells electricity to customers in various deregulated states.

Comment Date: November 20, 2002.

11. Premier Energy Marketing L.L.C.

[Docket No. ER03–101–000]

Take notice that on October 30, 2002, Premier Energy Marketing L.L.C. (PEM) tendered for filing with the Federal Energy Regulatory Commission (Commission) a petition for acceptance of PEM Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission regulations.

PEM intends to engage in wholesale electric power and energy purchases and sales as a marketer. PEM is not in the business of generating or transmitting electric power. PEM is owned by its officers and Everest Energy Management LLC which is engaged in oil and gas production and independent power production.

Comment Date: November 20, 2002.

12. Idaho Power Company

[Docket No. ER03–102–000]

Take notice that on October 30, 2002, Idaho Power Company (Idaho Power) tendered for filing an Agreement for Load Following Services (Agreement) between North Western Energy, L.L.C. (NWE) and Idaho Power, dated October 15, 2002. Idaho Power seeks an effective date of January 1, 2003 for the Agreement. Included in the filing was a Certificate of Concurrence executed by NWE assenting to the filing of the Agreement.

Comment Date: November 20, 2002.

Standard Paragraph

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.

Magalie R. Salas,

Secretary.

[FR Doc. 02–28729 Filed 11–8–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER02–2338–000 and ER02–2338–001]

Energy Investments Management, Inc.; Notice of Issuance of Order

November 5, 2002.

Energy Investments Management, Inc. (EIM) submitted for filing a petition requesting that the Commission grant EIM the authority to sell electricity at market-based rates and to engage in wholesale electric power and energy transactions as a marketer. EIM also requested waiver of various Commission regulations. In particular, EIM requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by EIM.

On October 18, 2002, pursuant to delegated authority, the Director, Office of Markets, Tariffs and Rates-East, granted requests for blanket approval under Part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by EIM should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, EIM is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of EIM, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of EIM's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is November 18, 2002.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. This order is available for review at the Commission or may be viewed on the Commission's web site at *http://www.ferc.gov,* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number filed to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866)208–3676, or for TTY, contact (202)502–8659. 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. The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. 02–28730 Filed 11–8–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–59–000]

Horizon Pipeline Company, L.L.C.; Notice of Proposed Changes in FERC Tariff

November 5, 2002.

Take notice that on November 1, 2002, Horizon Pipeline Company, L.L.C. (Horizon) tendered for filing to become part of its FERC Gas Tariff, Original Volume No. 1, Original Sheet No. 195A, to be effective December 2, 2002.

Horizon states that the purpose of this filing is to revise the provisions of the General Terms and Conditions in its Tariff relating to capacity releases where the releasing Shipper is not creditworthy.

Horizon states that copies of the filing are being mailed to Horizon's customers and interested state commissions.

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. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. *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. 02–28734 Filed 11–8–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11797–000]

Grande Pointe Power Corporation; Notice of Availability of Environmental Assessment

November 4, 2002.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission (Commission or FERC) regulations contained in the Code of Federal Regulations (CFR) (18 CFR part 380 [FERC Order No. 486, 52 FR 47897]), the Office of Energy Projects staff (staff) reviewed the application for an original minor license for the Three Rivers Project, located on the St. Joseph River in the city of Three Rivers, St. Joseph County, Michigan, and has prepared an environmental assessment (EA) for the project. In this EA, the staff has analyzed the potential environmental effects of the existing project and concluded that licensing the project, with staff's recommended measures, would not constitute a major federal action significantly affecting the quality of the human environment.

A copy of the EA is available for review at the Commission in the Public Reference Room, or it may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866)208–3676, or for TTY, contact (202)502–8659.

Any comments should be filed within 45 days from the date of this notice and should be addressed to Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please affix ''Three Rivers Project No. 11797-000,'' to all comments. For further information, please contact Sean Murphy at (202) 502–6145 or at *sean.murphy@ferc.gov*.

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* under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–28586 Filed 11–8–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1494–244]

Notice of Application to Amend License and Soliciting Comments, Motions to Intervene, and Protests

November 4, 2002.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type*: Non-project use of project lands and waters.

b. *Project No.*: 1494–244.

c. *Date Filed*: September 30, 2002.

d. *Applicant*: Grand River Dam Authority (GRDA).

e. *Name of Project*: Pensacola Dam.

f. *Location*: The project is located on the Grand (Neosho) River in Craig, Delaware, Mayes, and Ottawa Counties, Oklahoma. The project does not occupy any Federal or tribal lands. The proposed non-project use would be located in Ketchum Cove on Grand Lake O' The Cherokees in Section 2, Township 23 North, Range 21 East, in Mayes County.

g. *Filed Pursuant to*: Federal Power Act 16 U.S.C. 791(a)-825(r)

h. *Applicant Contact*: Mary Von Drehle or Teresa Hicks, Grand River Dam Authority, P.O. Box 409, Vinita, OK 74301. Phone: (918) 256–5545.

i. *FERC Contact*: Steve Naugle, steven.naugle@ferc.gov, 202–502–6061.

j. *Deadline for filing comments and or motions*: December 6, 2002.

All documents (original and eight copies) should be filed with Magalie R. 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 reference ''Pensacola Project, FERC Project No.1494–244'' on any comments or motions filed.

k. *Description of the Application*: GRDA requests Commission approval to

permit Terry Frost d/b/a Water Front Development Company (WFDC) to construct 6 docks with 67 boat slips to be used by patrons of a new condominium development known as Colony Cove. GRDA has waived the dock-placement provisions of Artice IV(7) of the Rules and Regulations Governing the Use of Shorelands and Waters of GRDA for WFDC's proposal.

l. *Locations of the Application*: This filing is available for review at the Commission in the Public Reference Room or may viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. 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.

o. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', sbull I11''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., Mail Stop PJ–12.1, 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.

p. 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.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–28584 Filed 11–8–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Tendered for Filing With the Commission, Soliciting Additional Study Requests, and Establishing Procedural Schedule for Relicensing and a Deadline for Submission of Final Amendments

November 5, 2002.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application*: New Minor License.

b. *Project No.*: 1413–032.

c. *Date Filed*: October 30, 2002.

d. *Applicant*: Fall River Rural Electric Cooperative, Inc.

e. *Name of Project*: Buffalo River (previously Pond's Lodge) Hydroelectric Project.

f. *Location*: On the Buffalo River near it's confluence with the Henry's Fork River, in Fremont, Idaho. The project occupies 9.8 acres of land within the Targhee National Forest.

g. *Filed Pursuant to*: Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact*: Fall River Rural Electric Cooperative, Inc., 1150 North 3400 East, Ashton, Idaho 83420, Tel. # (208) 652–7431, and/or Brent L. Smith, President, Northwest Power Services, Inc, P.O. Box 535, Rigby, Idaho 83442, Tel. # (208) 745–0834.

i. *FERC Contact*: Gaylord Hoisington, (202) 502–8163, *gaylord.hoisington@FERC.gov*.

j. *Cooperating agencies*: 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 environmental document. Agencies who would like to request cooperating status should follow the instructions for filing comments described in item k below.

k. Pursuant to Section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status*: December 30, 2002.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Additional study requests and requests for cooperating agency status may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. *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.

m. This application is not ready for environmental analysis at this time.

n. The existing Buffalo River Project consists of: (1) a 142-foot-long by 12-foot-high timber-faced rock-filled diversion dam; (2) a 40-foot-long by 3-foot-high concrete slab spillway with stop logs; (3) a fish passage structure; (4) a concrete intake structure with a 5-foot steel slide gate; (5) a trash rack; (6) a 52-foot-long by 5-foot-diameter concrete encased steel penstock; (7) a 34-foot-long by 22-foot-high masonry block powerhouse containing a 250-kilowatt Bouvier Kaplan inclined shaft turbine; and (8) other appurtenant facilities. The applicant estimates that the total average annual generation would be 1,679 megawatthours.

o. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS''

link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOlineSuport@ferc.gov*. or toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

p. With this notice, we are initiating consultation with the IDAHO STATE HISTORIC PRESERVATION OFFICER (SHPO), as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

q. Procedural schedule and final amendments: The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Issue Acceptance letter, January 2003
Issue Scoping Document 1 for comments, February 2003
Request Additional Information, April 2003
Issue Scoping Document 2, June 2003
Notice of application is ready for environmental analysis, June 2003
Notice of the availability of the draft EA, September 2003
Notice of the availability of the final EA, November 2003
Ready for Commission's decision on the application, March 2004

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Note —The schedule is going to vary depending upon the circumstances of the project (deficiencies, additional information, etc.) *See* Guidance for Publishing Hydro Licensing Schedules.

Magalie R. Salas,

Secretary.

[FR Doc. 02–28732 Filed 11–8–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2454–052]

Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

November 5, 2002.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type*: Amendment of License to Change Project Boundary and Approve Revised Exhibits.

b. *Project No*: 2454–052.

c. *Date Filed*: May 30, 2002, and supplemented on September 10, 2002.

d. *Applicant*: Minnesota Power (MP).

e. *Name of Project*: Sylvan Hydroelectric Project.

f. *Location*: The project is located on the Crow Wing River, in Cass, Crow Wing, and Morrison Counties, Minnesota. The area proposed to be deleted from the project boundary lies entirely within Morrison County.

g. *Filed Pursuant to*:Federal Power Act, 16 U.S.C. 791 (a) 825(r) and 799 and 801.

h. *Applicant Contact*: Bob Bohm, Minnesota Power, P.O. Box 60, Little Falls, MN 56345, (320) 632–2318.

i. *FERC Contact*: Any questions on this notice should be addressed to Mr. Eric Gross at (202) 502–6213, or e-mail address: *eric.gross@ferc.gov*.

j. *Deadline for filing comments and or motions*: December 6, 2002.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426. Please include the project number (P–2454–052) on any comments or motions filed.

k. *Description of Request*: MP is proposing to delete from the license 276.50 acres of land within the project boundary and transfer ownership to The Nature Conservancy (TNC). TNC would then trade the land, which borders Camp Ripley, a military base operated by the Minnesota Department of Military Affairs (MDMA), for lands of equal value owned by MDMA and located outside of Camp Ripley. The land will be removed from the project boundary however; MDMA has stated that the former, current, and future uses will not change and that the lands will continue to be open to the public for recreational activities. The campsite near Sylvan Dam will be unaffected by this revision, as it will remain within the revised project boundary, under the ownership of MP.

l. *Locations of the Application*: A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call 1–866–208–3676 or e-mail *FERCONLINESUPPORT@FERC.GOV*. For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. 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.

o. 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. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. 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.

q. 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 at *http://www.ferc.gov* under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. 02–28733 Filed 11–8–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Regulations Governing Off-the-Record Communications; Public Notice

November 4, 2002.

This constitutes notice, in accordance with 18 CFR 385.2201(h), of the receipt of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive an exempt or a prohibited off-the-record communication relevant to the merits of a contested on-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such requests only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication should serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications will be included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of exempt and prohibited off-the-record communications recently received in the Office of the Secretary. These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866)208–3676, or for TTY, contact (202)502–8659.

EXEMPT

Docket No.	Date filed	Presenter or requester
1. CP01–415–000	10–28–02	Ron Meadows.
2. Project No. 184–065	10–29–02	Dr. Scott Shewbridge.
3. CP02–396–000	11–04–02	Richard Greer.
4. CP02–396–000	11–04–02	Richard Greer.
5. CP02–396–000	11–04–02	Richard Greer.
6. CP02–396–000	11–04–02	Richard Greer.
7. CP02–396–000	11–04–02	Richard Greer/Joanne Wachholder.
8. CP02–396–000	11–04–02	Richard Greer/Joanne Wachholder.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–28587 Filed 11–8–02; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7406–9]

National Management Measures to Control Nonpoint Source Pollution from Urban Areas—Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; extension of comment period.

SUMMARY: On September 9, 2002 (67 FR 57228), EPA noticed the availability of draft National Management Measures to Control Nonpoint Source Pollution From Urban Areas and requested comments on the draft by December 9, 2002. The purpose of this notice is to extend this comment period to January 15, 2003.

DATES: Written comments on the draft guidance should be submitted to the person listed below by January 15, 2003.

ADDRESSES: Comments should be sent to Rod Frederick, Assessment and Watershed Protection Division (4503–T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Non-U.S. Postal Service comments should be sent to Rod Frederick, Assessment and Watershed Protection Division, U.S. Environmental Protection Agency, EPA West, Room 7417A, 1301 Constitution Ave., NW., Washington, DC 20004. Faxed comments should be sent to Rod Frederick at (202) 566–1331. Comments can also be emailed to *frederick.rod@epa.gov.*

The complete text of the draft guidance is available on EPA's Internet site on the Nonpoint Source Control Branch homepage at *http://www.epa.gov/owow/nps/urbanmm/index.html.* Copies of the complete draft can also be obtained in electronic or hard copy format by request from Rod Frederick at the above address, by e-mail at *Frederick.Rod@epa.gov,* or by calling (202) 566–1197.

FOR FURTHER INFORMATION CONTACT: Rod Frederick at (202) 566–1197 or e-mail: *frederick.rod@epa.gov.*

Dated: November 4, 2002.

G. Tracy Mehan, III,

Assistant Administrator for Water.

[FR Doc. 02–28694 Filed 11–8–02; 8:45 am]

BILLING CODE 6560–50–M

EXPORT-IMPORT BANK OF THE UNITED STATES

Economic Impact Policy

This notice is to inform the public that the Export-Import Bank of the United States has received an application to guarantee $66 million of mining equipment and other goods and services on behalf of U.S. exporters to a buyer in Uzbekistan. The U.S. exports will enable the Uzbek company to mine 20 tons of gold annually. Virtually all of

this new production will be exported from Uzbekistan and sold on the world market. Interested parties may submit comments on this transaction by email to *economic.impact@exim.gov* or by mail to 811 Vermont Avenue, NW., Room 1238, Washington, DC 20571, within 14 days of the date this notice appears in the **Federal Register.**

Helene S. Walsh,

Director, Policy Oversight and Review.

[FR Doc. 02–28569 Filed 11–8–02; 8:45 am]

BILLING CODE 6690–01–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

November 1, 2002.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before December 12, 2002. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judith Boley Herman, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., DC 20554 or via the Internet to *jboley@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judith Boley Herman at 202–418–0214 or via the Internet at *jboley@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0207.

Title: Part 11—Emergency Alert System.

Form Nos.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions, state, local or tribal government.

Number of Respondents: 22,000 respondents; 1,144,000 responses.

Estimated Time Per Response: .017 hours—40 hours.

Frequency of Response: On occasion reporting requirement, and recordkeeping requirement.

Total Annual Burden: 38,585 hours.

Total Annual Cost: $8,250,000.

Needs and Uses: Part 11 contains the rules and regulations providing for an Emergency Alert System (EAS). The EAS provides the President with the capability to provide immediate communications and information to the general public at the national, state and local area level during periods of national emergency. The EAS also provides state and local government and the National Weather Service with the capability to provide immediate communications and information to the general public concerning emergency situations posing a threat to life and property. On February 22, 2002, the Commission adopted a Report and Order in EB Docket No. 01–66 (67 FR 18502). This Report and Order amended Part 11 rules to revise the technical and operational requirements for the EAS. Many of these amendments were intended to enhance the capabilities and performance of the EAS during state and local emergencies, which will promote public safety. The Report and Order amended the EAS to make compliance with the EAS requirements less burdensome for broadcast stations, cable systems and wireless cable systems. The Report and Order also eliminated rules which were obsolete or no longer needed. The information is used by FCC staff as part of routine inspections of broadcast stations. Accurate recordkeeping of this data is vital in determining the location and nature of possible equipment failure on the part of the transmitting or receiving entity. Furthermore, since the national level EAS is solely for the President's use, its proper operation must be assured.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 02–28708 Filed 11–8–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

October 29, 2002.

SUMMARY: The Federal Communications Commissions, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before December 12, 2002. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to *lesmith@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at *lesmith@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0688.

Title: FCC Form 1235, Abbreviated Cost-of-Service Filing for Cable Network Upgrades.

Form Number: FCC 1235.

Type of Review: Extension of a currently approved collection.

Respondents: Business and other for-profit entities; and State, Local or Tribal Governments.

Number of Respondents: 50.

Estimated Time per Response: 10 to 20 hours.

Frequency of Response: On occasion reporting requirements; third party disclosure.

Total Annual Burden: 750 hours.

Total Annual Costs: None.

Needs and Uses: FCC Form 1235 is an abbreviated cost of service filing for significant network upgrades that allows cable operators to justify rate increases related to capital expenditures used to improve rate-related cable services. The FCC Form 1235 is reviewed by the cable operator's respective local franchise authority.

OMB Control Number: 3060–0009.

Title: Application for Consent to Assignment of Broadcast Station Construction Permit or License or Transfer of Control of Corporation Holding Broadcast Station Construction Permit or License.

Form Number: FCC 316.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; not-for-profit institutions; and State, Local, or Tribal Governments.

Number of Respondents: 700.

Estimated Time per Response: 1 hour.

Frequency of Response: On occasion reporting requirements.

Total Annual Burden: 700 hours.

Total Annual Costs: $416,000.

Needs and Uses: FCC Form 316 is required when applying for authority for assignment of a broadcast station construction permit or license, or for consent to transfer control of a corporation holding a broadcast station construction permit or license where there is little change in the relative interest or disposition of its interests; where transfer of interest is not a controlling one; where there is no substantial change in the beneficial ownership of the corporation; where the assignment is less than a controlling interest in a partnership; and where there is an appointment of an entity qualified to succeed to the interest of a deceased or legally incapacitated individual permitee, licensee, or controlling stockholder. In addition, the applicant must notify the FCC when approved transfer of control of a broadcast station construction permit or license has been consummated.

OMB Control Number: 3060–0315.

Title: Sponsorship Identification, Sections 76.1615 and 76.1715.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 450.

Estimated Time per Response: 0.5 hours.

Frequency of Response: Recordkeeping; third party disclosure.

Total Annual Burden: 225 hours.

Total Annual Costs: None.

Needs and Uses: 47 CFR Section 76.1615 states that when cable operators originate cablecasting, they must announce at the time of the telecast who is sponsoring the program, unless the money, service, property, etc., is being furnished in connection with or related to the use of the service or property on the cablecast. In the case of political programming advertising candidates for public office, the sponsor shall be identified with letters equal to or greater than four (4) percent of the vertical picture height that air for not less than four (4) seconds. 47 CFR section 76.1715 states that whenever sponsorship announcements are omitted pursuant to Section 76.1615(f), *i.e.*, ''want ads'' or classified advertisements sponsored by an individual, the cable operator must maintain a list showing the name, address, and (when available) the telephone number of each advertiser and must make this list publicly available.

OMB Control Number: 3060–0311.

Title: Section 76.54, Significantly Viewed Signals; Method to be Followed for Special Showings.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 12.

Estimated Time per Response: 15 hours.

Frequency of Response: On occasion reporting requirements; third party disclosure.

Total Annual Burden: 180 hours.

Total Annual Costs: None.

Needs and Uses: 47 CFR Section 76.54 requires that notice of an audience survey that is conducted by an organization for significantly viewed signal purposes is to be served on all licensees or permittees of television broadcast stations within whose predicted Grade B contour the cable community or communities are located, and all other system community units, franchisees, franchise applicants in the cable community or communities, and the franchise authority. This notification shall be made at least 30 days prior to the initial survey period and include the name of the survey organization and describe the survey's procedures. The notifications provide an opportunity for interested parties to file objections to the survey's methodology.

OMB Control Number: 3060–0061.

Title: Form 325, Annual Report of Cable Television Systems.

Form Number: FCC 325.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 1,150.

Estimated Time per Response: 2 hours.

Frequency of Response: Annual reporting requirement.

Total Annual Burden: 2,300 hours.

Total Annual Costs: None.

Needs and Uses: FCC Form 325 is used to solicit basic operational information from all cable systems nationwide, including: the operator's name and address; system-wide capacity and frequency information; channel usage; and the number of subscribers. Operators of every operational cable television system are currently required to complete Form 325 to verify, correct, and/or furnish the FCC with the most current information on their respective cable systems.

OMB Control Number: 3060–0423.

Title: Section 73.3588, Dismissal of Petitions to Deny or Withdrawal of Informal Objections.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 50.

Estimated Time per Response: 20 mins. (0.33 hrs.)

Frequency of Response: On occasion reporting requirement; Third party disclosure.

Total Annual Burden: 17 hours.

Total Annual Costs: $42,500.

Needs and Uses: 47 CFR Section 73.3588 requires a petitioner to obtain approval from the FCC to dismiss or withdraw its petition to deny when it is filed against a renewal application and applications for new construction permits, modifications, transfers, and assignments. This request for approval must contain a copy of any written agreement, an affidavit stating that the petitioner has not received any consideration in excess of legitimate and prudent expenses in exchange for dismissing/withdrawing its petition,

and an itemization of the expenses for which it is seeking reimbursement. Each remaining party to any written or oral agreement must submit an affidavit within 5 days of the petitioner's request for approval stating that it has paid no consideration to the petitioner in excess of the petitioner's legitimate and prudent expenses.

OMB Control Number: 3060–0214.

Title: Section 73.3526, Local Public Inspection File of Commercial Stations.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 12,289.

Estimated Time per Response: 1 to 2.5 hours.

Frequency of Response: Recordkeeping; third party disclosure.

Total Annual Burden: 1,379,212 hours.

Total Annual Costs: None.

Needs and Uses: 47 CFR Section 73.3526 requires each licensee/permittee of a commercial AM, FM, or TV broadcast station to maintain a file for public inspection. The contents of the file vary according to type of service and status. The data are used by the public and the FCC staff in field investigations to evaluate information about the station's performance.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 02–28709 Filed 11–8–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CS Docket No. 01–348; FCC 02–284]

Application of EchoStar Communications Corp. (a Nevada Corp.), General Motors Corp., and Hughes Electronics Corp. (Delaware Corps.)

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the FCC designates for hearing the application of EchoStar, General Motors and Hughes (collectively, the ''Applicants'') to transfer control of Commission authorizations, including direct broadcast satellite and fixed satellite space station authorizations, earth station authorizations, and other related authorizations to EchoStar Communications Corp. (''New EchoStar''). The Commission concludes that the Applicants have failed to demonstrate that the proposed transaction would not cause anticompetitive and other harms, and have failed to demonstrate that the potential public interest benefits resulting from the transaction would outweigh those harms. Accordingly, pursuant to 47 U.S.C. 309(e) and 409(a), the Commission designates the application for hearing to determine whether the public interest, convenience, and necessity will be served by its grant.

DATES: See **SUPPLEMENTARY INFORMATION** section for document filing dates.

ADDRESSES: Please file documents with the Investigations and Hearing Division, Enforcement Bureau, Federal Communications Commission, Room 3–B431, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Charles W. Kelley, Chief, Investigations and Hearing Division, Enforcement Bureau, at (202) 418–1420.

SUPPLEMENTARY INFORMATION: This is a summary of the Federal Communications Commission's Hearing Designation Order, CS Docket No. 01–348, adopted on October 9, 2002, and released on October 18, 2002. The full text is available for inspection and copying during normal business hours in the FCC Reference Information Center, Room CY–A257, 445 12th Street, SW., Washington, DC 20554. It may also be purchased from the Commission's copy contractor, Qualex International, Room CY–B402, 445 12th Street, SW., Washington, DC 20554, telephone (202) 863–2983, facsimile (202) 863-2898, or via e-mail at *qualexint@aol.com,* or may be viewed via the internet at: *http://www.fcc.gov/ Document_Indexes/Media/2002_index_MB_Order.html.* Alternative formats are available to persons with disabilities by contacting Martha Contee at (202) 418–0260 or TTY (202) 418–2555.

Synopsis of the Order

1. In the Hearing Designation Order (''Order''), the Commission considers the application (the ''Application'') of EchoStar Communications Corporation (''EchoStar''), General Motors Corporation (''GM''), and Hughes Electronics Corporation (''Hughes'') for consent to transfer control of various Commission authorizations, including direct broadcast satellite (''DBS'') and fixed satellite space station authorizations, earth station authorizations, and other related authorizations held by their wholly- or majority-owned subsidiaries to EchoStar Communications Corporation (''New EchoStar''). The proposed transaction involves the split-off of Hughes from GM, followed by the merger of the Hughes and EchoStar companies. The proposed merged entity, New EchoStar, would have a new ownership structure and would continue to provide DBS subscription television service under the DirecTV brand name.

2. The merger proposes to combine the two major DBS providers in the United States-EchoStar (marketed as the Dish Network) and DirecTV Holdings, LLC (''DirecTV''), a wholly-owned subsidiary of Hughes, into one single entity. The proposed merged entity, New EchoStar, would have a new ownership structure and would continue to provide DBS subscription television service under the DirecTV brand name. New EchoStar would also acquire Hughes Network Services, Inc. (''HNS'') and PanAmSat Corp. EchoStar and Hughes also filed a joint application requesting authority to launch and operate NEW ECHOSTAR 1, a direct broadcast satellite that would be located at the 110° W.L. orbital location (the ''Satellite Application''). The Applicants claim that grant of the Satellite Application would allow New EchoStar to offer local broadcast channels in all 210 U.S. Designated Market Areas (''DMAs''). Based on the record, the Commission is unable to find that the public interest, convenience and necessity would be served by the grant of the Merger Application and Satellite Application.

3. The Applicants claim that one of the most important benefits of the proposed merger is the increased ability of DBS operators to compete with cable systems in the multichannel video programming distribution (''MVPD'') market by eliminating current duplicative programming. They contend the merger would benefit consumers by increasing available DBS capacity to offer significantly more local-into-local programming, and to expand its offerings of high-definition television (''HDTV'') programming, pay-per-view (''PPV''), video-on-demand (''VOD''), interactive television (''ITV''), and broadband satellite Internet services. They claim the merger would ultimately result in improved products, prices and overall quality to consumers. The Applicants also claim that their commitment to price DBS service on a uniform nationwide basis will provide benefits to customers in both urban and rural areas since competition in the most densely populated and heavily contested areas will require that New EchoStar set the national price low enough to compete for new subscribers in these urban areas, consequently

providing competitive prices to customers in rural areas.

4. The Applicants claim that the proposed merger would allow New EchoStar to provide broadband Internet access service to the country and, thus, more effectively compete with cable's bundled offering of high-speed Internet access and MVPD products and telephone companies' DSL offerings. The Applicants contend that the merger would allow for the timely introduction of nationwide competition in the broadband markets, including rural and underserved areas.

5. Sections 214(a) and 310(d) of the Communications Act of 1934, as amended (the ''Communications Act''), 47 U.S.C. 214(a) and 310(d), require the Commission to find that the public interest, convenience and necessity would be served by grant of the Merger Application. We first assess whether the proposed transaction complies with the specific provisions of the Act, other applicable statutes, and the Commission's rules. The public interest standards of 47 U.S.C. 214(a) and 310(d) involve a balancing process that weighs the potential public interest harms against the potential public interest benefits. Our public interest evaluation encompasses the ''broad aims of the Communications Act,'' which includes, among other things, preserving and enhancing competition in relevant markets, ensuring that a diversity of voices is made available to the public, and accelerating private sector deployment of advanced services. In determining the competitive effects of the merger, our analysis is not limited by traditional antitrust principles. The Commission also focuses on whether the merger will accelerate the decline of market power by dominant firms in the relevant communications markets.

6. We find that elimination of one nationwide DBS competitor, without any cognizable evidence of offsetting enhancement of viewpoint diversity, would disserve the Commission's policy goal of viewpoint diversity. In reviewing spectrum policy concerns, we find that allowing one satellite company to control all current U.S. allotted full-CONUS DBS orbital locations is inconsistent with the public interest. The record demonstrates that significant nationwide benefits in the MVPD market have been brought about by the competition between EchoStar and DirecTV. The record shows that consolidating all full-CONUS DBS spectrum with one provider would likely eliminate these benefits to the detriment of consumers, without providing adequate off-setting public interest benefits.

7. The Commission analyzed the potential harms of the proposed merger on competition in the relevant product markets. We first performed a structural analysis considering the relevant product and geographic markets, identifying the market participants, and then examining structural factors that affect the likelihood of competitive harms. The structural analysis suggests that the merger, which reduces the number of competitors from three to two in some markets, and two to one in other markets, would likely result in substantial anticompetitive harms. Under traditional structural antitrust analysis, there appears to be a substantial likelihood that the proposed merger will significantly increase concentration in an already concentrated MVPD market.

8. We find that the merger is likely to lessen competition through unilateral actions by New EchoStar and/or through coordinated interaction among market participants which could result in substantial consumer welfare losses, even assuming realization of all of the cost savings alleged by the Applicants. The record suggests that the services provided by DirecTV and EchoStar are close substitutes, and that in the absence of significant savings in marginal cost, such a loss of facilities-based intramodal competition is likely to harm consumers by eliminating a viable service provider in every market, creating the potential for higher prices and lower service quality, and negatively impacting future innovation.

9. Our analysis indicates that the Applicants' proposed national pricing plan will unlikely remedy the likely competitive harms. National pricing does not mean low pricing and the proposed plan would leave the Applicants free to price discriminate on a targeted basis, particularly with respect to promotions, installation and equipment offers and to discriminate with respect to service quality. In addition, the plan proposes that we approve the replacement of viable facilities-based competition with regulation inconsistent with the Communications Act and our policies and goals. The Act and our policies and goals aim to replace, wherever possible, the regulatory safeguards needed to ensure consumer welfare in communications markets served by a single provider, with free market competition, and particularly with facilities-based competition.

10. We considered the evidence of efficiencies and other public interest benefits that the Applicants claim will result from the merger. We cannot find that the benefits are merger specific, verifiable, or will be able to mitigate anticompetitive effects of the merger. We find that the bulk of the Applicants' promised benefits with respect to MVPD services appear to be either inadequately supported by the data supplied; not merger-specific; achievable through means other than monopoly control over all available full-CONUS DBS spectrum; or are otherwise not cognizable under our public interest standard. Moreover, the Applicants have failed to show that the proposed merger is necessary to achieve many, if not all, of their claimed public interest benefits—they merely allege that it will provide them the means with which to provide these benefits. Our central concern is that with the resulting high degree of concentration in all MVPD markets, the Applicants' incentives to carry through on their promises of enhanced competition will be decreased, rather than increased. Thus, although the Commission fully recognizes the value of having free over-the-air broadcasting service in all 210 DMAs, we do not believe that the merger is more likely to bring satellite delivery of such service than the status quo. Therefore, we cannot give very much weight to the Applicants' proposed benefits.

11. The Applicants' promises of a future Ka-Band broadband satellite product that is competitive on both service quality and price with cable and DSL products would be a significant advance, if these promises were to be realized. However, the proposed merger of the two companies with the strongest incentive and ability to compete for satellite broadband services contradicts the Communications Act's preference for competition. The Applicants' reliance on an economies of scale argument fails to support its claimed benefits arguments.

12. On balance, we cannot find in the record that the Applicants have made a sufficient showing either that the harms from the proposed transaction will be insubstantial or the alleged benefits will outweigh them. Serious questions remain as to whether the proposed transaction would do significant and irreversible damage to competition in several markets without sufficient offsetting and cognizable public interest benefits.

13. We direct the Administrative Law Judge (''ALJ'') to prepare an Initial Decision on the following issues:

- *Issue 1:* Whether the proposed transaction is likely to cause anticompetitive harm. In reaching a determination on this issue, the following should be considered: (a) The product market (*e.g.*, whether the relevant product market is MVPD service,

DBS service, or some other subset of MVPD service); (b) the geographic market (*e.g.*, whether the proper geographic market is local, and whether, for purposes of analysis, the relevant geographic markets should be aggregated into three categories—markets not served by any cable system; markets served by low-capacity cable systems; markets served by high-capacity cable systems; and the relative number of households in each of these categories) and the number of subscribers per market; (c) the market participants, market shares and concentration; (d) the timeliness, likelihood, and sufficiency of entry to offset any potential adverse competitive effects that may result from the proposed transaction; (e) the effects of the proposed transaction on price, quality and innovation (considering the likelihood of coordinated behavior among competing firms and the ability of the Applicants to unilaterally take anticompetitive actions); (f) the efficacy, potential harms, and potential benefits of Applicants' proposed national pricing plan; (g) the proposed transaction's effect on the ability of multichannel video programmers to reach certain niche audiences; and (h) any conditions proposed by the Applicants.

- *Issue 2:* Whether the proposed transaction is likely to cause other public interest harms. In reaching a determination on this issue, the following should be considered: (a) the proposed transaction's effect on viewpoint diversity; and (b) the proposed transaction's effect on the Commission's spectrum policies.
- *Issue 3:* Whether the proposed transaction is likely to yield any public interest benefits. In reaching a determination on this issue, the following should be considered: (a) whether the cost savings and other benefits claimed by Applicants are non-speculative, credible and transaction-specific and are likely to flow through to the public; and (b) whether the proposed transaction's impact on the provision of Internet access service via satellite is likely to be beneficial or harmful.
- *Issue 4:* On balance, whether the public interest, convenience and necessity would be served by the grant of the Merger Application and the Satellite Application.

14. Pursuant to 47 U.S.C. 309(e), the application for consent to transfer control of various Commission authorizations, including DBS and fixed satellite space station authorizations, earth station authorizations, and other related authorizations held by wholly-or majority-owned subsidiaries of EchoStar Communications Corporation (a Nevada corporation), General Motors Corporation, and Hughes Electronics Corporation to EchoStar Communications Corporation (a Delaware corporation); and the joint application submitted by EchoStar and Hughes requesting authority to launch and operate New Echostar 1, a direct broadcast satellite that would be located at the 110° W.L. orbital location (FCC File No. SAT–LOA–20020225–00023) are designated for hearing. The Hearing shall be at a time and place and in front of an ALJ to be specified in a subsequent Order.

15. Pursuant to 47 U.S.C. 309(e), the burden of proof with respect to the introduction of evidence and the burden of proof with respect to the issues specified in this Order shall be upon GM, Hughes, and EchoStar, the applicant parties in this proceeding.

16. The Commission's Consumer and Government Affairs Bureau, Reference Information Center, shall send copies of this Order to all parties by certified mail, return receipt requested.

17. The Chief, Enforcement Bureau, shall be a party to the designated hearing.

18. A copy of each document filed in this proceeding subsequent to the date of adoption of this Order shall be served on the counsel of record appearing on behalf of the Chief, Enforcement Bureau. Parties may inquire as to the identity of such counsel by calling the Investigations and Hearings Division of the Enforcement Bureau at (202) 418–1420. Such service shall be addressed to the named counsel of record, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 3–B431, Washington, D.C. 20554.

19. Within 30 days of the mailing of this Order pursuant to paragraph 16 above, the parties may file an amended application with the Commission to ameliorate the competition concerns identified in this Order and may also file a petition to suspend the hearing pending review of the amended application.

20. To avail themselves of the opportunity to be heard, GM, Hughes, and EchoStar, pursuant to 47 CFR 1.221(c) and 1.221(e), in person or by their respective attorneys, shall file in triplicate, a written appearance, stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order. Such written appearance shall be filed within 20 days of the mailing of this Order pursuant to paragraph 16 above. Pursuant to 47 CFR 1.221(c), if the parties fail to file an appearance within the specified time period, the applications will be dismissed with prejudice for failure to prosecute.

21. The National Rural Telecommunications Cooperative; American Cable Association; Northpoint Technology, Ltd.; National Association of Broadcasters; Pegasus Communications Corp.; The Word Network; Johnson Broadcasting, Inc. and Johnson Broadcasting of Dallas, Inc.; Family Stations, Inc. and North Pacific International Television, Inc.; Communication Workers of America; Paxson Communications Corp.; Carolina Christian Television, Inc. and LeSea Broadcasting Corporation; Univision Communications, Inc.; Eagle III Broadcasting, LLC; and Brunson Communications, Inc., are made parties to the proceeding pursuant to 47 CFR 1.221(d). To avail themselves of the opportunity to be heard, pursuant to 47 CFR 1.221(e), each of these parties, in person or by its attorneys, shall file in triplicate, a written appearance, stating its intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order. Such written appearance shall be filed within 20 days of this Order becoming effective pursuant to paragraph 16 above. Such written appearance must also be accompanied by the fee specified in 47 CFR 1.1107 or be accompanied by a deferral request pursuant to 47 CFR 1.1117. If any of these parties fails to file an appearance within the time specified, it shall, unless good cause for such failure is shown, forfeit its hearing rights.

22. Pursuant to 47 CFR 1.223, any person seeking to participate as a party in the hearing may file a petition to intervene. Such petition shall be filed within 30 days of the full text or a summary of this Order being published in the **Federal Register**. Such petition to intervene must either establish, under oath, that a person is a party in interest, in which case the petition shall be granted; or such petition must set forth the interest of petitioner in the proceedings, show how such petitioner's participation will assist the Commission in the determination of the issues in question, set forth any proposed issues in addition to those already designated for hearing, and be accompanied by the affidavit of a person with knowledge as to the facts set forth in the petition, in which case the ALJ may grant or deny the petition to intervene, and may limit intervention to a particular stage or stages of the proceeding, in his or her discretion. Pursuant to 47 CFR 1.225, no person shall be precluded from providing any relevant, material and competent testimony at the hearing because he or she lacks sufficient interest to justify intervention as a party.

23. The application for transfer of control of the licenses and authorizations at issue in this proceeding will be held in abeyance pending the outcome of this proceeding.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 02–28581 Filed 11–8–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC–02–32–H (Auction No. 32); DA 02–2757]

Additional Information Required for Completion of FCC Form 175 and Exhibits for Auction No. 32; Auction of Construction Permits for New AM Broadcast Stations Scheduled for December 10, 2002

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document supplements a public notice released November 19, 1999, which announced a five-day period for the filing of applications for new AM stations and major modifications to authorized AM stations. The document informs applicants of additional information for incorporation as part of their short-form application (FCC form 175) for Auction No. 32.

DATES: Auction No. 32 applicants must file the additional information identified in this document by 6 p.m. e.t. on Monday, October 28, 2002. Auction No. 32 is scheduled to begin on December 10, 2002.

FOR FURTHER INFORMATION CONTACT: Kenneth Burnley at the Auctions and Industry Analysis Division, Wireless Telecommunications Bureau at (202) 418–0660.

SUPPLEMENTARY INFORMATION: This is a summary of a public notice released by the Wireless Telecommunications Bureau on October 21, 2002. The complete text of the public notice, including the attachment, is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. The October 21, 2002, public notice may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone (202) 863–2893, facsimile (202) 863–2898, or via e-mail *qualexint@aol.com.*

1. The Media Bureau (''MB'') and the Wireless Telecommunications Bureau (''WTB'') (collectively, ''Bureaus'') supplement the ''*Auction No. 32 Filing Window Public Notice*'' released November 19, 1999, which announced a five-day period for the filing of applications for new AM stations and major modifications to authorized AM stations. This document informs applicants that they must submit additional information for incorporation as part of their short-form application (FCC form 175) for Auction No. 32. The applicants, listed in attachment A of the October 21, 2002, public notice, must file the additional information identified below by 6 p.m. eastern time on Monday, October 28, 2002. The following instructions are provided for filing this additional information.

I. Provisions Regarding Defaulters and Former Defaulters (Form 175 Exhibit F)

2. Part 1 of the Commission's rules requires each applicant to certify on its FCC form 175 application that neither it nor its controlling interest holders or affiliates is in default on any Commission license and that they are not delinquent on any non-tax debt owed to any Federal agency. In addition, the Commission's rules, as amended by the ''*Part 1 Fifth Report and Order,*'' 65 FR 52323 (August 29, 2000), require each applicant to attach to its FCC form 175 application a statement made under penalty of perjury indicating whether or not the applicant, or any of the applicant's controlling interests or their affiliates, as defined by § 1.2110 of the Commission's rules, have ever been in default on any Commission license or have ever been delinquent on any non-tax debt owed to any federal agency. See 47 CFR 1.2105(a)(2)(xi).

3. The applicants identified in attachment A of the October 21, 2002, public notice must include this statement as exhibit F of their FCC form 175 for Auction No. 32 and MUST submit this exhibit by electronic mail no later than 6 p.m. eastern time on Monday, October 28, 2002, at the following address: auction32@fcc.gov. The exhibit F must be in the form of an attachment to the electronic mail and formatted as an Adobe® Acrobat® (pdf) or Microsoft® Word document.

4. If any of an applicant's controlling interest holders or affiliates, as defined by § 1.2110 of the Commission's rules, have ever been in default on any Commission license or have ever been delinquent on any non-tax debt owed to any Federal agency, the applicant must include such information as part of the same attached statement. Applicants are reminded that the statement must be made under penalty of perjury and, further, submission of a false certification to the Commission is a serious matter that may result in severe penalties, including monetary forfeitures, license revocations, exclusion from participation in future auctions, and/or criminal prosecution.

5. ''Former defaulters''—i.e., applicants, including their attributable interest holders, that in the past have defaulted on any Commission licenses or been delinquent on any non-tax debt owed to any Federal agency, but that have since remedied all such defaults and cured all of their outstanding non-tax delinquencies—will be eligible to bid in Auction No. 32, provided that they are otherwise qualified. However, former defaulters are required to pay upfront payments that are fifty percent more than the normal upfront payment amounts. See 47 CFR 1.2106(a).

II. FCC Registration Number Required To Log On to the FCC Auction 175 Application & Search System

6. Bidders are reminded that they are required to send their FCC Registration Number (FRN) to the FCC Operations Group by 5 p.m. eastern time on Friday, October 25, 2002. To do this, applicants must include the entity name, Taxpayer Identification Number (TIN), and FRN in an e-mail to auction32@fcc.gov or fax to Kathryn Garland at (717) 338–2850. This information must be received by 5 p.m. eastern time on Friday, October 25, 2002.

7. Use of an FRN is mandatory for all filers logging on to the FCC Auctions 175 Application & Search system. To obtain an FRN, an applicant must register its TIN using the Commission Registration System (CORES). To access CORES, point a web browser to the FCC Auctions page at *http://wireless.fcc.gov/auctions/* and click the CORES link under Related Sites. Next, follow the directions provided to register and receive your FRN. Applicants need to be sure to retain this number and password and keep such information strictly confidential.

Federal Communications Commission.

Margaret Wiener,

Chief, Auctions and Industry Analysis Division, WTB.

[FR Doc. 02–28706 Filed 11–8–02; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

[WC Docket No. 02–60; DA 02–2954]

Announcement of Opening of Year 2003 Funding Year Window for E-Rate Applications and the Release of FCC Forms 470 and 471 With Instructions for Funding Year 2003

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the release of FCC Forms 470 and 471 and the accompanying instructions. These forms are to be used by applicants seeking discounts under the schools and libraries universal service support mechanism.

FOR FURTHER INFORMATION CONTACT: Narda Jones, Attorney, Telecommunications Access Policy Division, Wireline Competition Bureau, (202) 418–7400, TTY: (202) 418–0484.

SUPPLEMENTARY INFORMATION: The Wireline Competition Bureau of the Federal Communications Commission announces the release of FCC Forms 470 and 471 and the accompanying instructions. These forms are to be used by applicants seeking discounts under the schools and libraries universal service support mechanism. FCC Form 471 has been updated to allow for computerized scanning. In addition, minor technical corrections and clarifications have been made. Copies of the forms and instructions are included in the attachments.

FCC Forms 470 and 471 with accompanying instructions for Funding Year 2003 may also be obtained at the Schools and Libraries Division (SLD) Web site, <*http://www.sl.universalservice.org/form/*>. Parties with questions about the forms and instructions or are otherwise in need of assistance with the filing of their applications should contact SLD's Customer Service Support Center at 1–888–203–8100.

Federal Communications Commission.

Mark G. Seifert,

Deputy Division Chief, Telecommunications Access Policy Division.

BILLING CODE 6712–01–P

FCC Form 470

Do not write in this area.

Approval by OMB
3060-0806

Schools and Libraries Universal Service
Description of Services Requested and Certification Form 470

Estimated Average Burden Hours Per Response: 4 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator Web Site and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before beginning this application. (You can also file online at www.sl.universalservice.org)

Applicant's Form Identifier: _____
(Create your own code to identify THIS Form 470)

Form 470 Application #: _____
(To be inserted by Fund Administrator)

Block 1: Applicant Address and Identifications

1 Name of Applicant (30 characters max.)

2 Funding Year: July 1, _____ through June 30, _____

3 Your Entity Number (up to 10 digits)

4a Street Address, P.O. Box, or Route Number

City | State | Zip Code _____-____

b Telephone Number (10 digits + ext.) (___) ___-____ ext. _____

c Fax Number (10 digits) (___) ___-____

d E-mail Address (50 characters max.)

5 Type of Applicant
- ☐ Library (including library system, library branch, or library consortium applying as a library)
- ☐ Individual School (individual public or non-public school)
- ☐ School District (LEA; public or non-public [e.g., diocesan] local district representing multiple schools)
- ☐ Consortium (intermediate service agencies, states, state networks, special consortia)

6a Contact Person's Name

*First, fill in **every** item of the Contact Person's information below **that is different from Item 4, above.***
***Then** check the box next to the preferred mode of contact. (At least one box **MUST** be checked.)*

b ☐ Street Address, P.O. Box, or Route Number

City | State | Zip Code _____-____

c ☐ Telephone Number (10 digits + ext.) (___) ___-____ ext. _____

d ☐ Fax Number (10 digits) (___) ___-____

e ☐ E-mail Address (50 characters max.)

Block 2: Summary Description of Needs or Services Requested

7 **This Form 470 describes (check all that apply):**

a ☐ Tariffed services -- telecommunications services, purchased at regulated prices, for which the applicant has no signed, written contract. A new Form 470 must be filed for tariffed services for each funding year.

b ☐ Month-to-month services for which the applicant has no signed, written contract. A new Form 470 must be filed for these services for each funding year.

c ☐ Services for which a new written contract is sought for the funding year in Item 2.

d ☐ A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous program year.

NOTE: Services that are covered by a signed, written contract executed pursuant to posting of a Form 470 in a previous program year OR a contract signed on/before 7/10/97 and reported on a Form 470 in a previous year as an existing contract do NOT require filing of a Form 470.

Entity Number _____ Applicant's Form Identifier _____
Contact Person _____ Phone Number _____

What kinds of service are you seeking: Telecommunications Services, Internet Access, or Internal Connections? Refer to the Eligible Services List at www.sl.universalservice.org for examples. Check the relevant category or categories (8, 9, and/or 10 below), and answer the questions in each category you select.

8 ☐ Telecommunications Services

Do you have a Request for Proposal (RFP) that specifies the services you are seeking?

a ☐ **YES,** I have an RFP. It is available on the Web at _____
or via (check one) ____ the Contact Person in Item 6 or ___ the contact listed in Item 11.

b ☐ **NO,** I do not have an RFP for these services.

If you answered NO, you must list below the Telecommunications Services you seek. Specify each ***service or function*** (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications Services, and remember that only common carrier telecommunications companies can provide these services under the universal service support mechanism. Add additional pages if needed.

Service or Function	Quantity and/or Capacity

9 ☐ Internet Access

Do you have a Request for Proposal (RFP) that specifies the services you are seeking?

a ☐ **YES,** I have an RFP. It is available on the Web at _____
or via (check one) ____ the Contact Person in Item 6 or ___ the contact listed in Item 11, below.

b ☐ **NO,** I do not have an RFP for these services.

If you answered NO, you must list below the Internet Access services you seek. Specify each service or function (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internet Access services. Add additional pages if needed.

Service or Function	Quantity and/or Capacity

10 ☐ Internal Connections

Do you have a Request for Proposal (RFP) that specifies the services you are seeking?

a ☐ **YES,** I have an RFP. It is available on the Web at _____
or via (check one) ____ the Contact Person in Item 6 or ___ the contact listed in Item 11, below.

b ☐ **NO,** I do not have an RFP for these services.

If you answered NO, you must list below the Internal Connections services you seek. Specify each service or function (e.g., local area network) and ***quantity and/or capacity (e.g., connecting 10 rooms and 300 computers at 56kps or better).*** See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internal Connections services. Add additional pages if needed.

Service or Function	Quantity and/or Capacity

Entity Number _____ **Applicant's Form Identifier** _____
Contact Person _____ **Phone Number** _____

11 *(Optional)* Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the signer of this form.

Name _____ Title _____

Telephone Number (10 digits + ext.) (___)___-____ ext _____

Fax Number (10 digits) (___)___-____

E-mail Address (50 characters max.) _____

12 ☐ Check here if there are any restrictions imposed by state or local laws or regulations on how or when providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or provide a Web address where they are posted and provide a contact name and telephone number for service providers without Internet access.

13 *(Optional)* Purchases in future years: If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, summarize below (including the likely time-frames).

Block 3: Technology Assessment

14 ☐ **Basic telephone service only:** If your application is for basic local and/or long distance telephone service (wireline or wireless) only, check this box and skip to Item 16.

15 Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is ONLY for basic telephone service, you must check at least one box in (a) through (e). You may provide details for purchases being sought.

a Desktop software: Software required ☐ has been purchased; and/or ☐ is being sought.

b Electrical systems: ☐ adequate electrical capacity is in place or has already been arranged; and/or ☐ upgrading for electrical capacity is being sought.

c Computers: a sufficient quantity of computers ☐ has been purchased; and/or ☐ is being sought.

d Computer hardware maintenance: adequate arrangements ☐ have been made; and/or ☐ are being sought.

e Staff development: ☐ all staff have had an appropriate level of training/additional training has already been scheduled; and/or ☐ training is being sought.

f Additional details: Use this space to provide additional details to help providers to identify the services you desire.

Entity Number _____ Applicant's Form Identifier _____
Contact Person _____ Phone Number _____

Block 4: Recipients of Service

16 Eligible Entities That Will Receive Services:
Check the ONE choice that best describes this application and the eligible entities that will receive the services described in this application. You will then list in Item 17 the entity/entities that will pay the bills for these services.

a ○ **Individual school or single-site library.**

b ○ **Statewide application for (enter 2-letter state code)** [ ] **representing (check all that apply):**

- ☐ All public schools/districts in the state.
- ☐ All non-public schools in the state.
- ☐ All libraries in the state

Does your statewide application include INELIGIBLE entities? ☐ No ☐ Yes. If yes, complete Item 18.

c ○ **School district, library system, or consortium application to serve multiple eligible entities:**

Number of eligible entities	
For these eligible entities, please provide the following:	
Area Codes (list each unique area code)	**Prefixes associated with each area code (first 3 digits of phone number)**
Does your application include any INELIGIBLE entities?	☐ **No** ☐ **Yes. If yes, complete Item 18.**

17 Billed Entities
List the entity/entities that will be paying the bills directly to the provider for the services requested in this application. These are known as Billed Entities. At least one line of this item must be completed. Attach additional sheets if necessary.

Entity	Entity Number

18 Ineligible Participating Entities: Does your application also seek bids on services to entities that are not eligible for the Universal Service Program? If so, list those entities here (attach pages if needed):

Ineligible Participating Entity	Area Code and Prefix

Entity Number _____ Applicant's Form Identifier _____
Contact Person _____ Phone Number _____

Block 5: Certification and Signature

19 The applicant includes: (Check one or both.)

a ☐ schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, 20 U.S.C. Secs. 8801(14) and (25), that do not operate as for-profit businesses, and do not have endowments exceeding $50 million; and/or

b ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary and secondary schools, colleges, and universities).

20 All of the individual schools, libraries, and library consortia receiving services under this application are covered by:

a ☐ individual technology plans for using the services requested in the application; and/or
b ☐ higher-level technology plans for using the services requested in the application; or
c ☐ no technology plan needed; application requests basic local and/or long distance telephone service only.

21 Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):

a ☐ technology plan(s) has/have been approved by a state or other authorized body.
b ☐ technology plan(s) will be approved by a state or other authorized body.
c ☐ no technology plan needed; application requests basic local and/or long distance telephone service only.

22 I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

23 I recognize that support under this support mechanism is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to use the services purchased effectively.

24 I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25 Signature	**26** Date
27 Printed name of authorized person	
28 Title or position of authorized person	
29 Telephone number of authorized person: (_ _ _) _ _ _ - _ _ _ _, ext. _ _ _ _	

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

Service provider involvement with preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the "Service Provider Role in Assisting Customers" at www.sl.universalservice.org/vendor/manual/chapter5.doc or call the Client Service Bureau at 1-888-203-8100.

Entity Number _____	**Applicant's Form Identifier** _____
Contact Person _____	**Phone Number** _____

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

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 FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

SLD-Form 470
P.O. Box 7026
Lawrence, Kansas 66044-7026
1-888-203-8100

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

SLD-Form 470
c/o Ms. Smith
3833 Greenway Drive
Lawrence Kansas 66046
1-888-203-8100

FCC Form 470

Approval by OMB
3060-0806

Schools and Libraries Universal Service
Description of Services Requested and Certification Form

Estimated Average Burden Hours Per Response: 4 hours

Instructions for Completing the
Schools and Libraries Universal Service
Description of Services Requested and Certification Form (FCC Form 470)

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NOTICE

Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries requesting universal service discounts to file—individually, or as a district or system, or as a consortium—this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator, which is the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC). 47 C.F.R. § 54.504. For purposes of this form, the universal service administrator will be referred to as the "SLD" or "Fund Administrator." The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data collected in Form 470 will be used to ensure that schools and libraries and any consortia they comprise comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or potential violation of any statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

If you do not provide the information requested on this form, the processing of your application may be delayed or your application may be returned to you without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, *et seq*. 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.

Public reporting burden for this collection of information is estimated to average four hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden, to the Federal Communications Commission, Performance Evaluation and Records Management Branch, Washington, DC 20554.

I. INTRODUCTION

- The purpose of the FCC Form 470 is to open a competitive bidding process for the services desired.
- An applicant cannot seek discounts for services in a category of service on the Form 471 if those services in those categories were not indicated on a Form 470.
- The Form 470 MUST be completed by the entity that will negotiate with potential service providers.
- The Form 470 cannot be completed by a service provider who will participate in the competitive process as a bidder. If a service provider is involved in preparing the Form 470 and that service provider appears on the associated Form 471, this will taint the competitive process and lead to denial of funding requests that rely on that Form 470.
- The Form 470 applicant is responsible for ensuring an open, fair competitive process and selecting the most cost-effective provider of the desired services.
- Applicants should save all competing bids for services to be able to demonstrate that the bid they chose is the most cost-effective, with price being the primary consideration.

On May 7, 1997, the Commission adopted rules providing discounts on eligible telecommunications services, Internet access, and internal connections, for eligible schools and libraries. To initiate the required competitive bidding process, begin by filing this form with the Schools and Libraries Division (SLD). The SLD will post this information on the SLD's web site for at least 28 days to fulfill the competitive bidding requirement. Contracts for newly contracted services or the selection of service providers for tariffed or month-to-month services cannot occur earlier than 28 days after the descriptions set forth in the relevant Form 470 posted on the SLD web site < www.sl.universalservice.org>. The SLD will notify the applicant of the date that the applicant's request is posted and the date on which the 28-day waiting period ends. Those with questions about this form may call the SLD's Client Service Bureau toll-free at 1-888-203-8100.

II. FILING REQUIREMENTS AND GENERAL INSTRUCTIONS

A. Who Must File

Schools and libraries requesting universal service discounts must seek competitive bids using Form 470. The entity that will negotiate with potential service providers should complete Form 470. The Form 470 cannot be completed by a service provider who will participate in the competitive process as a bidder.

For purposes of the universal service support mechanism, schools must meet the statutory definition of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, as amended, 20 U.S.C. § 8801(14) and (26). An elementary school is a non-profit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under state law. 47 C.F.R. § 54.500(b) and 20 U.S.C. § 8801(14). A secondary school is a non-profit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under state law, except that such term does not include any education beyond grade 12. 47 C.F.R. § 54.500(j) and 20 U.S.C. § 8801(26). Schools operating as for-profit businesses or who have endowments exceeding $50 million are not eligible. 47 C.F.R. § 54.501(b)(2) and (b)(3).

Libraries must meet the statutory definition of library or library consortium found in the Library Services and Technology Act, Pub. L. No. 104-208, sec. 211 *et seq.*, 110 Stat. 3009 (1996) (LSTA) and must be eligible for assistance from a state library administrative agency under that Act. A library includes: "(1) a public library; (2) a public elementary school or secondary school library; (3) an academic library; (4) a research library, which for the purposes of this definition means a library that: (i) makes publicly available library services and material suitable for scholarly research and not otherwise available to the public; and (ii) is not an integral part of an institution of higher education; and (5) a private library, but only if the state in which such private library is located determines that the library should be considered a library for purposes of this definition." 47 C.F.R. § 54.500(c). A library's eligibility for universal service funding also depends on its funding as an independent entity. **Only libraries whose budgets are completely separate from any schools (including, but not limited to, elementary and secondary schools, colleges and universities) shall be eligible to receive discounted services** under the universal

service support mechanism. 47 C.F.R. § 54.501(c)(2). For example, an elementary school library would only be eligible to receive discounted services if its budget were completely separate from the elementary school. If its budget were not completely separate from the elementary school, the elementary school library would not be eligible for support independent from the school with which it is associated.

A library consortium is "any local, statewide, regional, or interstate cooperative association of libraries that provides for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers, for improving services to the clientele of such libraries." 47 C.F.R. § 54.500(d).

Libraries operating as for-profit business shall not be eligible for discounts. 47 C.F.R. § 54.501(c)(3).

B. When, Where, and How Many Forms 470 to File

Beginning with the application process for Funding Year 2000 (July 1, 2000 through June 30, 2001), you are required to file Form 470 in the current application period only if you are applying for discounts for one of the following types of services:

- tariffed services (telecommunications services purchased at regulated rates) for which you do not have a signed, written contract (a Form 470 must be filed for these services each year);
- month-to-month Internet access, cellular services, or paging services for which you do not have a written contract but for which your standard monthly bills are proof of a binding, legal arrangement (a Form 470 must be filed for these services each year);
- any services for which you seek a new contract; or
- any multi-year contract signed on or before July 10, 1997, but for which you have not before filed a Form 470 in any previous program year.

Notice will be posted each year on the SLD web site <www.sl.universalservice.org> when we will begin accepting Forms 470 for posting. This notice will be posted at least 12 months before the start of the appropriate funding year. The precise timeframe for filing Form 470 depends on the kind of service you are seeking:

- For tariffed telecommunications services or month-to-month services, Form 470 must be filed at least 28 days before you file Form 471.
- For contract services for which you are seeking a new contract for the coming funding year, you may file Form 470 after the SLD posts the above notice whenever you wish to begin your procurement process, as long as it is at least 28 days before you file Form 471.
- For a contract signed on or before July 10, 1997, for which no Form 470 has ever been filed, you must file a Form 470 at least 28 days before you file Form 471.
- For multi-year contracts signed pursuant to the posting of a Form 470 in a previous funding year, you will not need to file a new Form 470 for the upcoming funding year. Your 28 days began with the date of your original Form 470 posting.

Services that are covered by a **qualified existing contract** for all or part of the funding year do not require filing of Form 470, since you are not seeking bids for these services. A qualified existing contract is:

- a signed, written contract executed pursuant to the posting of a Form 470 in a previous funding year, OR
- a contract signed on or before July 10, 1997 and reported on a Form 470 in a previous year as an existing contract.

If you are seeking support for eligible services not covered by a qualified, existing contract, you must file Form 470 **either electronically at the SLD web site, <www.sl.universalservice.org>, or at the address listed at the bottom of the form (SLD-Form 470, P.O. Box 7026, Lawrence, Kansas 66046-7026).** For express delivery or U.S. Postal Service Return Receipt Requested, send to: **SLD-Form 470, c/o Ms. Smith, 3833 Greenway Drive, Lawrence, Kansas 66046**, phone (888) 203-8100. DO NOT FILE THIS OR ANY OTHER UNIVERSAL SERVICE FORM WITH THE FEDERAL COMMUNICATIONS COMMISSION.

You may file one Form 470 for all of the services for which you are required to file Form 470, or you may file separate Forms 470 for each type of service. Also, an individual school or library may be covered by more than one Form 470 filed by different consortia for different services.

Once you file your Form 470, it is posted to the SLD web site for competitive bidding. Your form must be posted for at least 28 days on the SLD web site before you can sign a contract or enter into an agreement for services. After you sign a contract or enter into an agreement, you (or the billed entities you represent) can initiate the next step in the application process, the filing of FCC Form 471. Upon processing or posting of the Form 470, the SLD will notify you of the date upon which you may sign a contract or enter into an agreement for new services or file Form 471. 47 C.F.R. §54.504(b)(4). This date will be referred to as the "Allowable Vendor Selection/Contract Date."

C. Assistance in Completing This Form

There are several sources of assistance to guide you in completing this form. If you complete this form electronically on the SLD web site **<www.sl.universalservice.org>,** prompts may occur to assist you as you enter information. Whether you file electronically or on paper, you are also urged to consult the Reference Area of the SLD web site, **<www.sl.universalservice.org>,** for additional program guidance that may be useful in completing this form. . Further information is also available from the SLD Client Service Bureau via toll-free telephone at **1-888-203-8100;** via e-mail at **question@universalservice.org;** or via fax at **1-888-276-8736.**

D. Compliance

Schools and libraries filing false information are subject to penalties for false statements under Title 18 of the United States Code, 18 U.S.C. § 1001. Applicants should retain the worksheets and other records they use to compile these forms for five years. Thus, if applicants represent multiple entities, collect data from those entities, and add up that data, they should retain those data sheets for five years. If an applicant is audited, it should be prepared to make the worksheets and other records used to compile these forms available to the auditor and/or the Administrator, and it should be able to demonstrate to the auditor and/or Administrator how the entries in its application were provided.

III. MINIMUM PROCESSING STANDARDS AND FILING REQUIREMENT

Form 470 Minimum Processing Standards

When a Form 470 is received by the SLD, the form is first reviewed to make sure it complies with the following requirements before data entry begins. These minimum processing requirements are necessary in order to ensure the timely and efficient processing of properly completed applications. If a Form 470 fails to meet these requirements, the Form 470 will be rejected. The SLD may be prevented from returning the rejected Form 470 to the sender if the form lacks essential identifying information. If an applicant receives a returned Form 470, it is important that it resubmit the corrected form quickly. Once the corrected form is successfully data entered, the form will be posted to the SLD web site. The posting of the form to the SLD web site marks the beginning of the required 28-day waiting period.

Manual Filers

1. Correct Form: Each Form 470 must be:

- the correct, OMB-approved FCC Form 470, with a date of September 1999 or later in the lower right hand corner;
- submitted by regular mail, express delivery, or U.S. Postal Service Return Receipt Requested, or hand delivery. Forms may not be submitted by fax or e-mail. You are advised to keep proof of the date of mailing.

2. Applicant Address and Identifications: In Block 1, each of the following items must be properly completed:

- Item (1) or (3) Either the Name of the Applicant or the Entity Number;
- Item (2) Funding Year
- Item (6a) Contact Person Name

If any of these items is blank, and the information cannot be obtained from the page headers, the Form 470 will be rejected.

3. Complete Submission of Form 470: All 5 blocks of the Form 470 must be submitted. If any Block (1-5) is missing, the form will be rejected.

4. Valid Certification: Block 5, Item (25) Signature of authorized person must be completed. If Item (25) is left blank, the Form 470 will be rejected.

Online Filers:

When Blocks 1-4 of a Form 470 are submitted electronically, the applicant must also (1) submit the completed Block 5 certification online with a User ID and a PIN or (2) submit the completed and signed Block 5 certification manually by mail, express delivery or U.S. Postal Service Return Receipt Requested. If the Block 5 certification is submitted manually, you are advised to keep proof of the date of mailing. The Block 5 certification is reviewed to make sure it complies with the requirements listed in #4 above. Reviewers also look for the Form 470 Application Number before the Certification and Signature Page is accepted and the Form 470 reaches "certified" status. If the Block 5 certification document lacks the information necessary to match your manually submitted certification with the electronically filed Blocks 1-4 of the form, then your application will not meet the application filing requirements.

Filing Requirement for Forms 470 Submitted Manually and Online

It is vital to assure that a completed Form 470 Certification is filed in a timely fashion. A completed Form 470 Certification is a Block 5 certification submitted online using a User ID and a PIN or a Block 5 certification with the signature of the authorized person. Forms 470 with completed certifications submitted in a previous year meet this requirement, as do those filed for the current funding year either online by the close of the Form 471 application filing window or with a postmark date no later than the close of the Form 471 application filing window. Any Form 471 Block 5 funding request based on a Form 470 whose certification has not been received or postmarked by 11:59 p.m. EST on the close of the Form 471 application filing window will be rejected.

IV. SPECIFIC INSTRUCTIONS

You are encouraged to complete, submit, and certify this Form electronically at <www.sl.universalservice.org>. If you file manually, the Form 470 can be downloaded from the SLD web site. If you file paper copies of the application, please type or clearly print in the spaces provided and attach additional pages if necessary and when required. Instructions for completing each Block and Item of the Form 470 can also be downloaded from the SLD web site. No Forms 470 will be accepted if sent via e-mail or fax.

A. Top of Form

The data at the top of Form 470 will help both you and the SLD identify each particular Form 470 you file.

"Do Not Write In This Area"—The SLD uses this space to apply a barcode to your form upon receipt, so that we can properly track and archive your form.

Applicant's Form Identifier—If you are filing more than one Form 470, please use this space to assign a unique number or letter of your own devising to facilitate communication with us about THIS particular Form 470. This Applicant's Form Identifier can be very simple; for example, if you are filing three Forms 470, you might label them "A," "B," and "C." The Applicant's Form Identifier can also be descriptive, such as "School Internet." Choose identifiers that suit your own record-keeping needs.

Form 470 Application Number—The SLD will assign and insert your Form 470 Application Number. Leave this item blank.

Top of each page after page 1: If you are filing this application manually, to help alleviate problems caused if the pages of an application become separated, please provide the Entity Number (from Item 3, below), your Applicant's Form Identifier, and name and phone number of the contact person (from Item 6, below) at the top of each page of the application in the space provided. If you are filing electronically, this information will automatically appear at the top of each page.

B. Block 1: Applicant Address and Identifications

Block 1 of Form 470 asks you for your address and basic identifications. Throughout this form, "you" refers to "the applicant" – a school or library, or an entity filing on behalf of schools and libraries. The Form 470 cannot be completed by a service provider who will participate in the competitive process as a bidder.

Item (1) – Provide the name of the Applicant. You may be an individual school, a school district, a library (outlet/branch, system) or a consortium of those entities. You may also be a city, a state, or an entity created solely to participate in this universal service discount mechanism.

Item (2) – Funding years begin on July 1 and end on June 30 each year. For example, Funding Year 2003 runs from July 1, 2003 to June 30, 2004. Provide the funding year for which you are applying for funds by filling in the appropriate year in the blanks provided (e.g., July 1, 2003 through June 30, 2004).

Item (3) – Your Entity Number is a unique number assigned to your organization or institution by the SLD as a means of identifying you every time you file an application or otherwise communicate with us. If you have applied for universal service funds in previous years, or have

been identified in an application filed on your behalf, you have already been assigned an Entity Number. If you do not have a record of your Entity Number, or if you have never been assigned such a number, please call the SLD Client Service Bureau at 1-888-203-8100.

Item (4)(a)-(4)(d) – Provide your full mailing address, whether a street address, Post Office Box number, or route number. You are strongly encouraged to provide a street address rather than a Post Office Box if possible, as the Fund Administrator may need to contact you via overnight or express delivery. In addition, please provide your telephone number (with area code and extension), fax number (including area code), and e-mail address (if you have one).

Item (5) – Check the one box that best describes the type of application you are filing. If you are filing as a library (outlet/branch, system, or library consortium applying as a library), you should check the first box. If you are filing as an individual school, you should check the second box. If you are filing as a school district, you should check the third box. If you are filing as a consortium, you should check the fourth box. (You may be a consortium of schools, libraries, or some combination of the above which may or may not include ineligible entities.)

Item (6)(a) – Provide the name of the person who should be contacted with questions about this application. This person should be able to answer questions regarding the information included on this form and the services you request, including how to obtain a copy of your request for proposal (RFP), if you have prepared one.

Item (6)(b)-(6)(e) – If the contact person's address, phone number, fax number, or e-mail address is different from those specified for the applicant (completed in Item (4)), please provide that information here. You MUST then check the preferred mode of contact. Wherever possible, the SLD will use this mode to contact you.

C. Block 2: Summary Description of Needs or Services Requested

Block 2 of Form 470 asks you to describe the services you desire.

Item (7) – Specify here the kind(s) of services requested in this Form 470. You may check one or more of these choices, depending on the range of services you will be including on one Form 470.

Item (7)(a) – Check this box if this Form 470 requests services which are tariffed (telecommunications services for which you do not have a signed, written contract). These services require posting of a Form 470 for each funding year.

Item (7)(b) – Check this box if this Form 470 requests Internet access, cellular service, or paging services provided on a month-to-month basis without a written contract. These services require posting of a Form 470 for each funding year.

Item (7)(c) – Check this box if this Form 470 seeks new services for which you wish to sign a new contract. You may file a Form 470 for a new contract after notice is posted on the SLD web site that the SLD will begin accepting Forms 470 for the appropriate funding year for posting.

Item (7)(d) – Check this box if this Form 470 describes services provided under a multi-year contract that was signed on or before July 10, 1997 but that was never featured on a Form 470 in previous program years. For example, if you are applying for the E-rate for the very first time for Funding Year 2003 (07/01/2003–06/30/2004), and some or all of your services are provided under a written 10-year contract which was signed on July 1, 1997, you will need to file a Form 470 for this contract. In future years, for as long as that contract remains in force, you will not need to file a Form 470 for those services. There is no required timeframe for filing a Form 470 for this purpose, but your form must be posted for at least 28 days on the SLD web site before you can file a Form 471 online.

Items (8)-(10) – One or more of Items (8)-(10) must be completed to provide potential bidders with particular information about the services you are seeking. For more information on eligible services, please refer to the Eligible Services List on the SLD web site <www.sl.universalservice.org> or call the SLD Client Service Bureau toll-free at 1-888-203-8100. Once you check the relevant category of service box(es) in Items (8), (9), and/or (10), you must check either box (a) or (b) under the selected item and complete the item. You cannot seek discounts on services in a category of service on the Form 471 if you have not competitively bid those services in the same category of service on the Form 470.

The specific data requested in Items (8)-(10) are sought to provide potential service providers with information so that they may contact you if necessary for detailed information on your specific requirements. **This requirement is not intended to restrict your ability to contract for newly contracted services or enter into agreements for tariffed or month-to-month services for whatever technologies best meet your educational purposes as authorized by FCC rules and the Telecommunications Act of 1996.** It is important that you complete all categories that are relevant to your requested services, so that the Fund Administrator can confirm that you have met the competitive bidding requirement before signing any contracts for newly contracted services or entering into agreements for tariffed or month-to-month services for which discounts are requested in FCC Form 471.

Item (8) – Check this box if you are seeking telecommunications services to be provided by one or more telecommunications services providers. **Important note: Only telecommunications services requested from telecommunications companies who provide their telecommunications services on a common carriage basis (meaning they provide their services for a fee to the general public) will be eligible for discount(s) under the universal service support mechanism. If you request telecommunications services from a telecommunications provider that does not provide telecommunications services on a common carriage basis, your Form 471 Funding Request for such services will be denied.** Telecommunications is "the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received." 47 U.S.C. § 153(43) and 47 C.F.R. § 54.5. All commercially available

telecommunications services, including charges such as state and federal taxes, are eligible for support under the universal service discount mechanism. For example, local and long distance telephone services are generally considered telecommunications services. As another example, high-speed transmission lines over the public switched telecommunications network leased from an eligible telecommunications provider would be listed here as a telecommunications service. See the Eligible Services List on the SLD web site <www.sl.universalservice.org> for more information.

Item (8)(a) – Check this box if you have a Request for Proposal (RFP) that will provide potential bidders with specific information about the particular telecommunications services or functions you are seeking, and what quantity and/or capacity you seek. For example, you might have an RFP for voice services that specifies "local and long distance voice services sought for 20 existing phone lines, plus 10 new additional lines." If you check (8)(a), you must indicate where this RFP is available, such as on your web site (list the web address); via the Contact Person listed in Item (6); and/or via the alternative contact person listed in Item (11). If the RFP is not posted on a web site, your designated contact person must be able to provide it to service providers on request as of the date that your Form 470 is posted.

Item (8)(b) – Check this box if you do NOT have a Request for Proposal (RFP) for the telecommunications services you seek. If you check (8)(b), you must fill in details in the space provided about the specific telecommunications services or functions and quantity and/or capacity of service. For example, you might list "videoconferencing services" under Service or Function, and "for three school buildings" under Quantity and/or Capacity.

Item (9) – Check this box if you are seeking Internet access services. Basic conduit non-content access to the Internet is eligible for support under the universal service discount program. See the Eligible Services List on the SLD web site <www.sl.universalservice.org> for more information.

Please note that while schools and libraries may obtain universal service discounts on access to the Internet, discounts are not available on the separate charges for particular proprietary content or other information services or on a bundled package of access and content, unless the bundled package includes minimal content and provides a more cost-effective means of securing access to the Internet than other non-content alternatives.

Item (9)(a) – Check this box if you have a Request for Proposal (RFP) that will provide potential bidders with specific information about the particular Internet access services or functions you are seeking, and what quantity and/or capacity you seek. For example, you might have an RFP for Internet access that specifies "high-speed direct access to the Internet sought for 10 public Internet stations in one library facility." If you check (9)(a), you must indicate where this RFP is available, such as on your web site (list the web address); via the contact person listed in Item (6); and/or via the alternative contact person listed in Item (11). If the RFP is not posted on a web site, your designated contact person must be able to provide it to service providers on request as of the date that your Form 470 is posted.

Item (9)(b) – Check this box if you do NOT have a Request for Proposal (RFP) for the Internet access services you seek. If you check (9)(b), you must fill in details in the space provided about the specific Internet access services or functions and quantity and/or capacity of service. For example, you might list "monthly Internet service" under Service or Function, and "for 500 student users" under Quantity and/or Capacity.

Item (10) – Check this box if you are seeking internal connections services. A given service is generally eligible for support under the universal service discount mechanism as a component of internal connections if it "is necessary to transport information within one or more instructional buildings of a single school campus or within one or more non-administrative buildings that comprise a single library branch." 47 C.F.R. § 54.506. See the Eligible Services List on the SLD web site <www.sl.universalservice.org> for more information.

Item (10)(a) – Check this box if you have a Request for Proposal (RFP) that will provide potential bidders with specific information about the particular internal connections services or functions you are seeking, and what quantity and/or capacity you seek. For example, you might have an RFP for internal connections that specifies "local area network to connect 30 classrooms." If you check (10)(a), you must indicate where the RFP is available, such as on your web site (list the web address); via the contact person listed in Item (6); and/or via the alternative contact person listed in Item (11). If the RFP is not posted on a web site, your designated contact person must be able to provide it to service providers on request as of the date that your Form 470 is posted.

Item (10)(b) – Check this box if you do NOT have a Request for Proposal (RFP) for the internal connections services you seek. If you check (10)(b), you must fill in details in the space provided about the specific internal connections services or functions and quantity and/or capacity of service. For example, you might list "Private Branch Exchange equipment" under Service or Function, and "for each of 10 outlets in library system" under Quantity and/or Capacity.

Item (11) – (Optional) Provide the name and contact information of the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item (6) nor the authorized person identified in Item (27).

Item (12) – Indicate whether you are subject to any state or local restrictions regarding how and when you may be contacted by potential providers and what bidding procedures they must follow. For example, state bidding requirements might prohibit contacts between bidders and buyers between the time an official RFP is issued and when bids are due, or they may allow only written contacts. Applicants must also comply with any applicable state or local requirements when participating in the competitive bidding process used in the universal service discount mechanism. If you are subject to any state or local restrictions, you must check the box in Item (12) and provide a description of the restrictions or procedures. Alternatively, you may list a web site address where state or local restrictions can be found and the name and telephone number for a contact person who can provide the state or local restrictions and the applicable bidding procedures to service providers without Internet access.

Item (13) – You may provide information on your plans to purchase additional services in future years if you wish to encourage service providers to contact you even when you may not represent a financially attractive customer in the near term, but you may represent a financially attractive customer over a longer period of time. Providing this information is optional.

D. Block 3: Technology Assessment

Block 3 of Form 470 asks you to provide an assessment of the resources that you will need to use the services you request by checking off the appropriate boxes, unless you are seeking support for basic local and/or long distance telephone service (wireline or wireless) only.

Item (14) – Check this item if you are seeking support for basic local and/or long distance telephone service (wireline or wireless) only. If you check Item (14), you should skip Item (15) and go to Item (16).

Items (15)(a)-(15)(e) – All of the services and facilities listed in Items (15)(a)-(15)(e) are ineligible for support under the universal service discount mechanism. Each of the services and facilities listed, however, is necessary to make effective use of the telecommunications services, Internet access, and internal connections that are eligible for discounts. You do not need to certify that you have already secured all of the resources needed to use your discounted services effectively until you file FCC Form 471, but Items (15)(a)-(15)(e) require you to assess the technologies that you have or will need. You must check off at least one box for each of the Items (15)(a)-(15)(e). You may check off both boxes in each case if both apply. When you file Form 471, which is required to receive discounts, you will need to certify that you have secured or budgeted to secure adequate amounts of those resources to utilize effectively the services requested.

If you are seeking to purchase any of the ineligible services or facilities indicated in Items (15)(a)-(15)(e), you may also provide additional details in Item (15)(f) if you wish to have providers of these desired technologies or services contact you with bids. **If you are purchasing such ineligible services and facilities, however, you should try to do so through contracts separate and apart from those used to purchase services eligible for universal service discounts, to avoid confusion when completing and submitting your Form 471 application for services ordered.**

Item (15)(a) – Indicate whether you have secured or are in the process of securing access to the necessary software for the desktop computers that will use eligible services. For example, computers that will be connected to the Internet will probably need Web browsers. You should note that, although the software for the computers used in classrooms and other endpoints is not eligible for support, the software necessary to operate the networks used to transport information to the classroom is an eligible service.

Item (15)(b) – Confirm that you have or are in the process of securing access to sufficient electrical capacity to handle the computers and other telecommunications-related facilities you will be using to access the discounted services.

Item (15)(c) – Confirm that you have purchased or are arranging to purchase sufficient numbers of computers to use the discounted services effectively. Applicants should note that, as with computer software, while the computers used in classrooms are not eligible for discounts, those used as network file servers would, generally, be eligible for support.

Item (15)(d) – Confirm that you have secured or are in the process of securing appropriate maintenance for your computer hardware that will use eligible services.

Item (15)(e) – Confirm that you have arranged for or are arranging to secure the staff development necessary to use the discounted services effectively.

Item (15)(f) – Use this space to provide additional details to help providers identify the services you desire. Providing this information is optional.

E. Block 4: Recipients of Service

Block 4 requires you to provide information about the entities that will receive the services described in Block 2. This information is required to help service providers understand the scope and location(s) of the services you seek, so that they may respond efficiently and effectively.

Item (16) – Check the one choice – (a), (b), or (c) – that most accurately describes your application and the eligible entities that will receive the services you are seeking in this Form 470, then provide additional information only for the choice you have selected. An entity is an eligible entity if it meets the eligibility criteria for obtaining discounts described in Section II.A. above.

Item (16)(a) – Check this Item if you are an individual school or a single-site library located at the address in Item (1). Checking this box will confirm for potential bidders that all the services you seek will be delivered to this address.

Item (16)(b) –Check this Item if yours is a statewide application representing ALL entities of a particular type in your state. If you check Item (16)(b), you must also check one or more of the three choices provided in this item: all public schools/districts in the state, all non-public schools in the state, and/or all libraries in the state. This will indicate to potential service providers the complete breadth of your service needs. Please note that if your application represents SOME but not ALL of any of these three types of entities, you should NOT check Item (16)(b), but must check and complete Item (16)(c) instead. Indicate by checking "yes" or "no" whether your application includes requests for services for any ineligible entities.

Item (16)(c) – Check this Item if you are a school district, library system, or consortium serving multiple entities. If you check Item (16)(c), you must specify the number of eligible entities that your application represents. You must then list each unique area code represented in the telephone numbers of the entities you represent, plus the three-digit prefixes (the first three digits of the phone number) associated with each area code among the entities you represent. For example, if your school district is in a state which has one statewide area code, you would list that area code once. You would then list each unique three-digit prefix represented among the telephone numbers of the schools and administrative buildings in your district which will receive the service(s) requested in this Form 470. This information helps service providers pinpoint the location of each facility that will be receiving service. Indicate by checking "yes" or "no" whether your application includes requests for services for any ineligible entities.

Item (17) – List here the entity or entities that will be paying bills directly to the service provider for the services requested in this application. Such entities are known as "billed entities," and are the entities who file Form 471. List these billed entities, whether or not they themselves are eligible for universal service discounts, and provide their Entity Numbers. For example, if you are a consortium of school districts joining together to aggregate demand and thus secure a better price on telecommunications services that each district will then contract for and pay for individually, you will list your member districts and their Entity Numbers in Item (17). As another example, if you are a library whose bills are paid by the municipal government, you should list the municipal government office and its Entity Number. List each entity's name in the left column, and its Entity Number in the right column. If, however, your application is statewide as indicated in Item (16)(b), then enter only one billed entity from your state. If you need help identifying Entity Numbers for each of these "billed entities," call the SLD Client Service Bureau at 1-888-203-8100.

Item (18) – List the names of any entities for whom services are requested that are not eligible to receive universal service discounts under the schools and libraries universal service support mechanism. Only eligible schools and libraries may receive discounted services, so if this application includes services for entities such as health care providers, governmental entities, or private sector entities, you must list these entities in Item (18). Skip this item if your application requests services only for eligible entities. For each ineligible entity, provide the area code and three-digit prefix to help service providers pinpoint the entity's location. If your application is statewide, as indicated in Item (16)(b), only one area code and prefix for each named ineligible entity is required.

F. Block 5: Certifications and Signature

Block 5 requires you to certify certain information to ensure that only eligible entities receive support under the universal service discount mechanism.

Item (19) – Certify that the entities in Item (16) are eligible schools and/or libraries.

Item (19)(a) – If your application includes schools and all of the information in Item (19)(a) is true of those schools seeking to receive discounted services, you should check the box in Item (19)(a). If your application includes schools and any of the information in Item (19)(a) is not true for certain schools seeking to receive discounted services, those ineligible schools are not eligible to receive support under the universal service discount mechanism, and they must be identified in Item 18.

Item (19)(b) – If your application includes libraries or library consortia and all of the information in Item (19)(b) is true of the libraries seeking to receive discounted services, you should check the box in Item (19)(b). If your application includes libraries or library consortia and any of the information is not true for certain libraries or library consortia seeking to receive discounted services, those ineligible libraries or library consortia are not eligible to receive support under the universal service discount mechanism, and they must be identified in Item 18.

Items (20) and (21) concern the technology plans that must be prepared before schools and libraries may receive discounted services under the universal service support mechanism. The only schools and libraries that do not have to comply with the technology plan requirement are those requesting support for basic local and/or long distance telephone service (wireline or wireless) only. Note also that consortia and some other billed entities do not have to be covered by technology plans as long as all of the schools and libraries that they represent are covered by technology plans.

Item (20) – Check the box that best describes the level of technology plan(s) that covers the schools, libraries, and library consortia represented by your application.

- **Item (20)(a)** – Check here if the entities are covered by individual technology plans for the services requested in your application.
- **Item (20)(b)** – Check here if the entities are covered by a higher-level, multi-entity technology plan, such as a school district or library system plan. Statewide technology plans are not acceptable.
- **Item (20)(c)** – Check here if your application is for basic local and/or long distance telephone service (wireline or wireless) only, in which case no technology plan is required.

Item (21) – Check the box that best describes the status of the technology plan(s):

- **Item (21)(a)** – Check here if your plans have been approved. NOTE: Technology plans that have been approved for other purposes, e.g., for participation in Federal or state programs such as the "Enhancing Education through Technology" program, will be accepted without need for further independent approval.
- **Item (21)(b)** – Check here if you are currently seeking approval of your technology plan(s). Please note that the SLD does not review technology plans itself, but does certify authorized reviewers of technology plans. If you need assistance identifying a certified approver for your technology plan, please call the SLD Client Service Bureau at 1-888-203-8100.
- **Item (21)(c)** – Check here if your application is for basic local and/or long distance telephone service (wireline or wireless) only, in which case no technology plan is required.

Item (22) – Certify that services you order pursuant to the universal service discount mechanism will be used solely for educational purposes and that those services will not be sold, resold, or transferred in consideration for money or any other thing of value.

Item (23) – Certify that you recognize that any support received under this support mechanism is conditional upon the ability of your school(s) or library(ies) to secure access to all of the resources, including computers, training, software, maintenance, and electrical connections, necessary to use effectively the services that will be purchased under this mechanism. On FCC Form 471, you will need to certify that you have access to such funding.

Item (24) – Certify that you are the person authorized to submit and certify to the accuracy of this form.

Item (25) requires the signature of the authorized person.

Item (26) requires that the date of the signature of the Form 470 be provided.

Item (27) – Print the name of the authorized person whose signature is provided in Item 25.

Item (28) – Provide the title or position of the authorized person whose signature is provided in Item (25).

Item (29) – Provide the telephone number, including area code, of the authorized person whose signature is provided in Item (25).

For Applicants Filing this Form Electronically:

- When you have completed the electronic filing of Blocks 1-4, please print your application to retain a copy for your records.
- You must also submit the Block 5 certification.
  - If you have a User ID and PIN and wish to electronically submit your Block 5 certification, follow the directions online. When you submit your certification online, you will receive a confirmation so that you can be assured that your submission has met any filing deadlines. If you file online and use electronic certification, do not mail any part of your Form 470 to the SLD. Check the SLD web site for information about obtaining a User ID and a PIN.
  - If you wish to submit the completed and signed Block 5 certification manually, print Block 5 using your browser. When you print Block 5 using the browser, the form will automatically include your Form 470 Application Number, Applicant Name, and Applicant Address. Item (25) requires the signature of the authorized person who will certify to the accuracy of the information on the form. Also, you must complete Items (19)-(24). Mail the signed Block 5 to: **SLD-Form 470, P. O. Box 7026, Lawrence,**

Kansas 66044-7026. For express delivery services or U.S. Postal Service Return Receipt Requested, send to **SLD-Form 470, c/o Ms. Smith, 3833 Greenway Drive, Lawrence, Kansas 66046**. Note: Do not mail the complete Form 470. Mail only the signed Block 5 certification page. If the Block 5 certification is submitted manually, you are advised to keep proof of the date of mailing.

For Applicants Filing this Form Manually:

After the authorized person signs Item (25), check to be certain that all other items—including Items (26)-(29)—are properly completed. Make a copy of your entire form to keep for your records. Then submit your original form by mail to: **SLD-Form 470, P.O. Box 7026, Lawrence, Kansas 66044-7026.** For express delivery or U.S. Postal Service Return Receipt, send to: **SLD-Form 470, c/o Ms. Smith, 3833 Greenway Drive, Lawrence, Kansas 66046**, phone 1-888-203-8100. **No Forms 470 will be accepted via e-mail or fax.**

V. REMINDERS

- All schools and libraries seeking universal service support for ANY service not covered by a qualified existing contract (i.e., a contract executed pursuant to Form 470 posting in prior program years OR a contract signed on or before July 10, 1997 and identified as pre-existing in a Form 470 filed in prior years) must file Form 470 individually or be included in a consortium that files Form 470. Services that must be represented in an individual or consortium Form 470 in order to qualify for universal service support include: eligible tariffed telecommunications services; month-to-month services provided without a signed, written contract; new services for which a contract is sought; or services provided under a multi-year contract signed on or before July 10, 1997, but not previously identified as an existing contract in a Form 470 filed in a prior program year.
- A Form 470 is NOT required for services covered by a qualified existing contract (i.e., a contract executed pursuant to Form 470 posting in a prior program year OR a contract signed on or before July 10, 1997 and identified as pre-existing in a Form 470 filed in prior years).
- Fill out all applicable items completely. Attach additional pages if necessary. Any attachments to Form 470 should be clearly labeled with your Entity Number, Applicant's Form Identifier, Contact Person Name, and Phone Number.
- If you have a Request for Proposal (RFP) for the services requested in this Form 470—and therefore have checked (a) under Items (8), (9), and/or (10)—your RFP must be available to service providers via a web site or your designated contact person in Item (6) or the contact listed in Item (11) as of the date that this Form 470 is posted on the SLD web site.
- The individual authorized to order telecommunications and other supported services for the school, school district, library, or consortium must sign and date Form 470.
- If you are filing Form 470 electronically, you must also complete and submit the Block 5 certification (whether electronic or paper).

FCC Form 471

Do not write in this area.

Approval by OMB
3060-0806

Schools and Libraries Universal Service Services Ordered and Certification Form 471

Estimated Average Burden Hours Per Response: 4 hours

This form asks schools and libraries to list the eligible telecommunications-related services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.

Please read instructions before beginning this application. (You can also file online at www.sl.universalservice.org.)

The instructions include information on the deadlines for filing this application.

Applicant's Form Identifier:
(Create your own code to identify THIS Form 471)

Form 471 Application # _____
(To be inserted by Fund Administrator)

Block 1: Billed Entity Information (The "Billed Entity" is the entity paying the bills for the services listed on this form.)

1 Name of Billed Entity

2 Funding Year: July 1, through June 30,

3 Entity Number

4 a Street Address, P.O. Box, or Route Number

City

State

Zip Code

b Telephone Number

Ext

c Fax Number

d E-mail Address

5 Type of Application

School (public or non-public school)

School District (LEA; public or non-public (e.g., diocesan) local district representing multiple schools)

Library (library (i.e. outlet/branch, system))

Consortium Check here if any members of this consortium are ineligible non-governmental entities.

6 a Contact Person's Name

*First, fill in **every** item of the Contact Person's information below **that is different from Item 4, above.** **Then** check the box next to the preferred mode of contact. (At least one box **MUST** be checked.)*

b Street Address, P.O. Box, or Route Number

City

State

Zip Code

c Telephone Number

Ext

d Fax

e E-mail Address

f Holiday/vacation/summer contact information:

0 4 7 1 0 1 0 1 0 2

Entity Number _____ **Applicant's Form Identifier** _____

Contact Person _____ **Phone Number** _____

Block 2: Minor Modification to Existing Contract?

7 Check if this Form 471 represents a minor modification, such as a modification of services, to a Form 471 for which you already have a Receipt Acknowledgment Letter. Provide the data requested below, attach a Description of Services highlighting the modified service, and sign Block 6.

Form 471 Application #: _____ Funding Request Number _____

Minor modification requests can be filed MANUALLY only. Please see www.sl.universalservice.org for filing instructions.

Block 3: Impact of Services Ordered in THIS Application

8 **Please provide your best estimate of the number of people who will be served by all of the services ordered in THIS Form 471. Schools/school districts complete 8a. Libraries complete 8b. Consortia complete 8a and/or 8b.**

a Number of students to be served _____

b Number of library patrons to be served _____

9 **The following questions seek summary outcome information based on the services ordered in this Form 471 application. Please complete only those rows that are relevant to THIS application.**

	IF THIS APPLICATION INCLUDES...	BEFORE ORDER	AFTER ORDER
a	*(Schools/districts/consortia only)* Telephone service: How many classrooms had phone service before and after your order?		
b	High-bandwidth voice/data/video service: How many buildings served before and after your order?		
c	High-bandwidth voice/data/video service: Highest speed to a building before and after your order?		
d	Dial-up Internet connections: How many before and after your order?		
e	Dial-up Internet connections: Highest speed before and after your order?		
f	Direct connections to the Internet: How many before and after your order?		
g	Direct connections to the Internet: Highest speed before and after your order?		
h	Internet access (for schools): How many rooms have Internet access before and after your order?		
i	Internet access (for libraries): How many buildings have Internet access before and after your order?		
j	Internet access: How many computers (or other devices) with Internet access before and after your order?		
k	Other technology outcomes: (please specify):		

Block 4: Discount Calculation Worksheets *(pages 3a, 3b, and 3c)*

The following 3 pages (3a, 3b, and 3c) are Block 4 worksheets for use in calculating your discount for services. You will complete one or more depending on the type of application you are filing. Each worksheet has instructions.

- If you are filing as a school or a school district, use Worksheet A (page 3a).
- If you are filing as a library (i.e. outlet/branch, system), use Worksheet B (page 3b).
- If you are filing as a consortium, use Worksheet C (page 3c), and include as many Worksheets A and B as you need for back-up documentation.

Entity Number _____ Applicant's Form Identifier _____
Contact Person _____ Phone Number _____

Block 4: Discount Calculation Worksheet A for Schools/School Districts

Worksheet #A-_____

Page _____ of _____

(For Administrator's Use)

Instructions: If you are filing a School/School District application, use this worksheet to calculate the discount rate for site-specific services and/or to determine the weighted average discount calculations for shared services.

10a If you are:

- **Applying for discounts ONLY for an individual school, or ONLY site-specific services:** Complete columns 1-7 only for each school. Add and number pages as needed. Then use each school's Entity Number and its discount from Column 7 to complete Block 5 site-specific service to that school.
- **Applying for discounts on services shared by ALL schools in the district (with or without site-specific services as well):** Complete all columns 1-8 for all schools in the district. Then use the Weighted Average Discount in **10c** (below) to complete Block 5 for shared services.
- **Applying for discounts on different shared services shared by different groups of schools (with or without site-specific services as well):** Complete one worksheet, columns 1-8 PLUS 10c, for EACH different group of schools sharing a service. Designate this worksheet A-1, A-2, A-3, etc.

10b List entities and calculate discount(s).

School District Name: _____ School District Entity Number: _____

1	2	3	4	5	6	7	8
Name of Eligible School	Entity Number	Urban or Rural U or R	Total # of Students	# of Students Eligible for NSLP	% Students Eligible for NSLP (Col. 5 ÷ Col. 4)	Discount % from Discount Matrix	Weighted Product for Calculating Shared Discount (Col. 4 x Col. 7)
Totals for calculating Weighted Average Discount							

10c Weighted Average Discount % for Shared Services (Col. 8 total divided by Col. 4 total. Round to nearest %) →

Entity Number _____ Applicant's Form Identifier _____
Contact Person _____ Phone Number _____

Block 4: Discount Calculation Worksheet B For Libraries

Worksheet #B-_____
Page _____ of _____

(For Administrator's Use)

Instructions: If you are filing a library application, use this worksheet to calculate the discount rate(s) for outlets/branches and systems.

10a If you are:

- **Applying for discounts ONLY for one outlet/branch or ONLY for site-specific services:**
  Complete columns 1-4 only for each outlet/branch. Add and number pages as needed.
- **Applying for discounts on services shared by ALL outlets/branches in the library system (with or without site-specific services as well):**
  Complete columns 1-4 PLUS 10c below.
- **Applying for discounts on different shared services that are shared by different groups of outlets/branches:**
  Complete one worksheet, columns 1-4 PLUS 10c, for EACH different group of outlets/branches sharing a service. Designate this worksheet B-1, B-2, B-3, etc.

10b List entities and calculate discount(s).

Library System Name: _____ Library System Entity Number: _____

1	2	3	4
Name of Eligible Library (outlet/branch)	**Entity Number**	**Name of School District** in which outlet/branch in Column 1 is located	**Discount %** from Discount Matrix
Totals for calculating Shared Discount			

10c Shared Discount % (Col. 4 total divided by # of outlets/branches in Col. 1. Round to nearest %) →

Entity Number _____ Applicant's Form Identifier _____
Contact Person _____ Phone Number _____

Block 4: Discount Calculation Worksheet C for Consortia

Worksheet #C-_____
Page _____ of _____

(For Administrator's Use)

Instructions: If you are filing a Consortium application, use this worksheet to calculate the consortium discount rate based on eligible members' discounts. Provide Worksheets A and/or B for back-up documentation.

10a If you are:

- **Applying for discounts ONLY on site-specific services:**
  Complete columns 1-3 only. Add and number pages as needed.
- **Applying for discounts on services shared by ALL members (with or without site-specific services as well):**
  Complete columns 1-3 PLUS 10c, below.
- Applying for discounts on different shared services shared by different groups of consortium members:
  Complete one worksheet, columns 1-3 PLUS 10c, for EACH different group of entities sharing a service. Designate this worksheet C-1, C-2, C-3, etc.

10b List entities and calculate discount(s).

1	2	3
ELIGIBLE MEMBER ENTITIES Name of each school, school district and/or library (i.e. outlet/branch, system) in consortium	**ENTITY NUMBER** For each entity listed in Column 1	**ENTITY DISCOUNT** **School:** Discount from Worksheet A, Column 7 **School District:** Weighted Average Discount from Worksheet A, Item 10c **Library (outlet/branch):** Discount from Worksheet B, Column 4 **Library System:** Discount from Worksheet B, Item 10c
Totals for calculating Shared Discount		

10c Shared Discount %
(Col. 3 total divided by # of entities in Col. 1. Round to nearest %)

Entity Number _____ **Applicant's Form Identifier** _____

Contact Person _____ **Phone Number** _____

Block 5: Discount Funding Request(s)

Instructions: Use one Block 5 page for **EACH** service (Funding Request Number) for which you are requesting discounts. Make as many copies of this page as necessary, and number the completed pages to assure that they are all processed correctly.

Block 5, page of

FRN # _____ (to be assigned by administrator)

11 Category of Service (only ONE category should be checked)

Telecommunications Service | Internet Access | Internal Connections

12 Form 470 Application Number (15 digits)

13 SPIN - Service Provider Identification Number (9 digits)

14 Service Provider Name

15 Contract Number (if available; use "T" if tariffed services, "MTM" if month-to-month services as described in Instructions)

16 Billing Account Number (e.g., billed telephone number)

17 Allowable Vendor Selection/Contract Date (mm/dd/yyyy) (based on Form 470 filing)

18 Contract Award Date (mm/dd/yyyy)

19a Service Start Date (mm/dd/yyyy)

19b Service End Date (mm/dd/yyyy) (use only for "T" or "MTM" services)

20 Contract Expiration Date (mm/dd/yyyy)

23 Calculations

Recurring Charges

A. Monthly $ charges (total amount per month for service)

B. How much of the $ amount in (A) is ineligible?

C. Eligible monthly pre-discount amount (A minus B)

D. # of months service provided in program year

E. Annual pre-discount $ amount for eligible recurring charges (C x D)

Non-Recurring Charges

F. Annual non-recurring (one-time) $ charges

G. How much of the $ amount in (F) is ineligible?

H. Annual eligible pre-discount $ amount for one-time charges (F minus G)

Total Charges

I. Total program year pre-discount $ amount (E + H)

J. % discount (from Block 4 Worksheet)

K. Funding Commitment $ Request (I x J)

21 Description of This Service: **Attachment #**

You MUST attach a description of the service, including a breakdown of components and costs, plus any relevant brand names. Label this description with an Attachment #, and note number in space provided.

22 Entity/Entities Receiving This Service:

a. If the service is site-specific (provided to one site and not shared by others), list the Entity Number of the entity from Block 4 receiving this service :

b. If the service is shared by all entities on a Block 4 worksheet, list the worksheet number (e.g., A-1):

Do not write in this area

Entity Number _____ **Applicant's Form Identifier** _____

Contact Person _____ **Phone Number** _____

Block 6: Certifications and Signature

24 The entities listed in Block 4 of this application are eligible for support because they are: (Check one or both.)

- **a** schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38)**, that do not operate as for-profit businesses and do not have endowments exceeding $50 million; and/or
- **b** libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools, including, but not limited to, elementary and secondary schools, colleges, or universities.

25 The eligible schools and libraries listed in Block 4 of this application have secured access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to make effective use of the services purchased as well as to pay the discounted charges for eligible services.

26 All of the schools and libraries or library consortia listed in Block 4 of this application are covered by:

- **a** an individual technology plan for using the services requested in this application; and/or
- **b** higher-level technology plan(s) for using the services requested in this application; or
- **c** no technology plan needed; applying for basic local and long distance telephone service only.

27 Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):

- **a** technology plan(s) has/have been approved; and/or
- **b** technology plan(s) will be approved by a state or other authorized body; or
- **c** no technology plan needed; applying for basic local and long distance telephone service only.

28 I certify that the entities eligible for support that I am representing have complied with all applicable state and local laws regarding procurement of services for which support is being sought.

29 I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

30 I certify that the entity(ies) I represent has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments.

31 I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

32 I recognize that I may be audited pursuant to this application. I will retain for five years any and all worksheets and other records that I rely upon to fill out this application, and, if audited, will make available to the Administrator such records.

33 I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

34 Signature of authorized person	**35** Date
36 Printed name of authorized person	
37 Title or position of authorized person	
38 Telephone number of authorized person	Extension

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.
The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.

0 4 7 1 0 1 0 5 0 2

Entity Number	_____	**Applicant's Form Identifier**	_____
Contact Person	_____	**Phone Number**	_____

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

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 FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

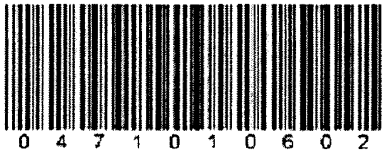
Public reporting burden for this collection of information is estimated to average 46 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

SLD-Form 471
P.O. Box 7026
Lawrence, Kansas 66044-7026

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

SLD-Form 471
c/o Ms. Smith
3833 Greenway Drive
Lawrence, Kansas 66046
(888) 203-8100



FCC Form 471

Approval by OMB
3060-0806

Schools and Libraries Universal Service
Services Ordered and Certification Form

Estimated Average Burden Hours Per Response: 4 hours

Instructions for Completing the
Schools and Libraries Universal Service
Services Ordered and Certification Form (FCC Form 471)

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KEY INFORMATION

- File your Form 471 online. This speeds the processing of your form and reduces errors.
- See if you qualify for E-certification. (See the "**Special Block 6 Instructions for Applications Filed Online.**") If you do, obtain a User ID and a PIN and certify your Form 471 online as well.
- File requests for Priority 1 and Priority 2 services on separate Forms 471. (See "**When, Where, and How Many Forms 471 to File.**")
- If you are filing on paper, review the **"MINIMUM PROCESSING STANDARDS AND FILING REQUIREMENTS"** for Manual Filers.
- Note the new methodology for libraries to calculate their discount percentages. (See the instructions for Block 4, Worksheet B.)
- Note the detailed information provided in the specific instructions for Item 25.
- Remember that the Form 471 application filing window for Funding Year 2003 closes at 11:59 PM EST on January 16, 2003. See the "**Filing Requirements for Forms 471 Submitted on Paper and Online.**"

NOTICE

Section 54.504 of the Federal Communications Commission's (FCC) rules requires all schools and libraries ordering services that are eligible for universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator, which is the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC). 47 C.F.R. § 54.504. For purposes of this form, the Universal Service Administrator will be referred to as the "SLD" or "Fund Administrator." The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data collected in Form 471 will be used to ensure that schools and libraries are receiving the appropriate discounts, complying with the eligibility requirements in 47 C.F.R. § 54.501, and taking steps required by 47 C.F.R. § 54.504 that are necessary to use the discounted services effectively. All schools and libraries ordering services eligible for universal service discounts must file this form, individually or as part of a consortium.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or potential violation of any statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation, or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party of a proceeding before the body or has an interest in the proceeding.

If you owe a past due debt to the Federal government, the taxpayer identification number and other information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund, or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you do not provide the information requested on this form, the processing of your application may be delayed or your application may be returned to you without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, *et seq.* 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.

Public reporting burden for this collection of information is estimated to average four hours per response, including the time for reviewing instructions, searching existing data sources, gathering

and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden, to the Federal Communications Commission, Performance Evaluation and Records Management Branch, Washington, D.C. 20554.

I. INTRODUCTION

On May 7, 1997, the FCC adopted rules providing discounts on all telecommunications services, Internet access, and internal connections for all eligible schools and libraries. Section 54.504 of the FCC's rules require all eligible schools and libraries ordering services under this discount mechanism to certify their eligibility to receive discounts. 47 C.F.R. § 54.504. Section 54.504 of the FCC's rules directs schools and libraries to submit this information on a Services Ordered and Certification Form. 47 C.F.R. § 54.504.

II. FILING REQUIREMENTS AND GENERAL INSTRUCTIONS

A. Who Must File

Form 471 must be filed to request discounts on eligible services for eligible schools, libraries, and consortia of those entities. Form 471 must be filed AFTER an FCC Form 470, which must be posted on the SLD web site for at least 28 days before the Form 471 is filed. This 28-day waiting period must occur before you may execute any contracts for contracted services; before you select your service provider for tariffed or month-to-month services; and before you sign and submit your Form 471. It is possible that a Form 470 posted in a prior funding year may be used where such a form resulted in a multi-year contract. (See Form 470 Instructions.)

EACH BILLED ENTITY MUST FILE A FORM 471 APPLICATION. Thus, even if several billed entities together filed a single Form 470, each billed entity must file a separate Form 471.

IMPORTANT NOTE: An entity is considered a "billed entity" if it is responsible for making payments directly to a service provider. An entity that receives a bill, but does not make payments to the service provider on that bill, is not a billed entity. **A billed entity may or may not itself qualify for discounts under the universal service support mechanism for schools and libraries.**

For purposes of the schools and libraries universal service support mechanism, schools must meet the statutory definition of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. § 7801(18) and (38)**. An elementary school is a non-profit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under state law. 47 C.F.R. § 54.500(b) and 20 U.S.C. §

7801(18). A secondary school is a non-profit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under state law, except that such term does not include any education beyond grade 12. 47 C.F.R. § 54.500(j) and 20 U.S.C. § 7801(38). In addition, eligible elementary and secondary schools may not have endowments exceeding $50 million. 47 C.F.R. § 54.501(b)(3).

Libraries must meet the statutory definition of library or library consortium found in the Library Services and Technology Act, Pub. L. No. 104-208, sec. 211 *et seq.*, 110 Stat. 3009 (1996) (LSTA), and must be eligible for assistance from a state library administrative agency under that Act. A library includes: "(1) a public library; (2) a public elementary school or secondary school library; (3) an academic library; (4) a research library, which for the purposes of this definition means a library that: (i) makes publicly available library services and materials suitable for scholarly research and not otherwise available to the public; and (ii) is not an integral part of an institution of higher education; and (5) a private library, but only if the state in which such private library is located determines that the library should be considered a library for purposes of this definition." 47 C.F.R. § 54.500(c). A library's eligibility for universal service funding also depends on its funding as an independent entity. **Only libraries whose budgets are completely separate from any schools' (including, but not limited to, elementary and secondary schools, colleges, and universities) shall be eligible to receive discounted services under the universal service support mechanism.** 47 C.F.R. § 54.501(c)(2). For example, an elementary school library would only be eligible to receive discounted services if its budget were completely separate from the elementary school. If its budget were not completely separate from the elementary school, the elementary school library would not be eligible for support independent from the school with which it is associated.

A library consortium is "any local, statewide, regional, or interstate cooperative association of libraries that provides for the systematic and effective coordination of the resources of schools, public, academic, and special libraries and information centers, for improving services to the clientele of such libraries." 47 C.F.R. § 54.500(d).

B. When, Where, and How Many Forms 471 to File

Form 471 must be preceded by the filing and posting of a Form 470 **for at least 28 days**.

For newly contracted, tariffed, or month-to-month services, please note that the EARLIEST date on which you may choose vendors or execute contracts or service agreements for those services (the Allowable Vendor Selection/Contract Date) will be expressly identified in a letter sent to each current-year Form 470 applicant to acknowledge the Fund Administrator's receipt of the Form 470 application. The Allowable Vendor Selection/Contract Date will also be indicated on the Form 470 posted on the SLD web site.

The earliest date that a Form 471 can be filed will be the date established by the Fund Administrator as the opening of the Form 471 application filing "window." The Form 471 application filing window is the period during which applications will be considered as having

arrived simultaneously. All Forms 471, including certifications, received or postmarked by the close of the application filing window are considered as if they had arrived on the same day, and have priority over those postmarked after the closing date of the "window." For Funding Year 2003, the application filing window will open at noon EST on Monday, November 4, 2002 and close at 11:59 p.m. EST on January 16, 2003.

The Form 471 may be filed either manually (on paper) or electronically (online). No Forms 471 will be accepted if sent to the SLD via e-mail or fax.

- ***If You Are Filing on Paper:*** You may complete and submit the Form 471 by filing a paper copy of the completed form, including the completed and signed Block 6 Certifications and any attachment(s), with the Fund Administrator. The signed Form 471 must be filed with the Fund Administrator **at the address listed at the bottom of the form: SLD-Form 471, P.O. Box 7026, Lawrence, Kansas 66044-7026**. For express delivery or U.S. Postal Service Return Receipt, send to: **SLD-Form 471, c/o Ms. Smith, 3833 Greenway Drive, Lawrence, Kansas 66046**, phone 1-888-203-8100. DO NOT FILE THIS OR ANY OTHER UNIVERSAL SERVICE FORM WITH THE FEDERAL COMMUNICATIONS COMMISSION.

- ***If You Are Filing Online:*** You may complete and submit the Form 471 by filing the Form online at the SLD web site www.sl.universalservice.org. If filing your Form 471 online, you must also complete and submit to the SLD the following documents in order to successfully complete the submission of your Form 471 application:

  - the Item 21 description(s) of services, and
  - the Block 6 Certification with the signature of the authorized person (whether online or on paper)
    - You may qualify to submit your Form 471 certifications online. When you submit your certifications online, you will receive a confirmation so that you can be assured that your submission has met any filing deadlines. Check the SLD web site for information about obtaining a User ID and a PIN.

You may file more than one Form 471. For example, you may file one Form 471 for Internal Connections, one for Internet Access, and one for Telecommunications Services. As the billed entity for services requested on one or more Forms 470, you may combine services requested on multiple Forms 470 into one Form 471, or you may file a corresponding Form 471 for each Form 470 filed. Please refer to the detailed instructions for more information about these procedures.

NOTE: Applicants who are applying for both Priority 1 (Telecommunications Services or Internet Access) and Priority 2 (Internal Connections) services are strongly encouraged to file these requests on separate Forms 471 — that is, to file one or more Forms 471 for their Priority 1 requests and one or more Forms 471 for their Priority 2 requests. This separation will allow the SLD to process Priority 1 requests and communicate decisions on funding commitments for those requests more quickly. Because there is often uncertainty

about the funding threshold for Internal Connections, applicants who combine funding requests for Priority 1 and Priority 2 services on a single Form 471 risk delaying the notification process for Priority 1 funding decisions.

C. Assistance in Completing This Form

There are several sources of assistance to guide you in completing this form. If you complete this Form online at the SLD web site at www.sl.universalservice.org, you will be assisted in the process by special step-by-step online instructions. Whether you file online or on paper, you are urged to consult the Reference Area of the SLD web site, www.sl.universalservice.org, for guidance in completing this form. Those without web access may obtain similar guidance material by calling the SLD Client Service Bureau via toll-free telephone at **1-888-203-8100.** Further information is also available from the SLD Client Service Bureau at **1-888-203-8100**, via e-mail at **question@universalservice.org**, or via fax at **1-888-276-8736**.

D. Compliance

Schools and libraries, or consortia acting on behalf of schools and libraries, failing to file the Services Ordered and Certification Form (Form 471) will not be eligible to receive universal service discounts. Schools and libraries filing false information are subject to fines under Section 502 of the Communications Act, 47 U.S.C. § 502, forfeiture penalties under Section 503(b) of the Communications Act, 47 U.S.C. § 503(b), or penalties for false statements under Title 18 of the United States Code, 18 U.S.C. § 1001. Applicants should retain the worksheets and other records they use to compile these forms for five years. This includes all documentation showing that you have complied with all applicable competitive bidding requirements, including copies of competing bids and documentation of the bid evaluation process and bid criteria used. Thus, if applicants represent multiple billed entities, collect data from those entities, and add up that data, they should retain those data sheets for five years. If an applicant is audited, it should be prepared to make the worksheets and other records used to compile these forms available to the auditor and/or the Administrator, and it should be able to demonstrate to the auditor and/or the Administrator how the entries in its application were provided.

III. MINIMUM PROCESSING STANDARDS AND FILING REQUIREMENTS

Form 471 Minimum Processing Standards

When a Form 471 is submitted on paper and received by the SLD, the form is first reviewed to make sure it complies with the following requirements before data entry begins. These minimum processing requirements are necessary in order to ensure the timely and efficient processing of properly completed applications. If a Form 471 fails to meet these requirements, the Form 471 will be rejected. The SLD may be prevented from returning the rejected Form 471 to the sender if the form lacks essential identifying information. If an applicant receives a returned Form 471, it is important that it resubmit the corrected form quickly. Once the corrected form is

successfully processed, the postmark date of that corrected form will be the postmark date for the purpose of the application filing window deadline.

Manual Filers

1. Correct Form: Each Form 471 must be:

a. the correct, OMB-approved FCC Form 471, with a date of October 2002 or October 2000 in the lower right-hand corner;
b. submitted by regular mail, express delivery, or U.S. Postal Service Return Receipt Requested, or hand delivery. Forms may not be submitted by fax or e-mail. You are advised to keep proof of the date of mailing.

2. Billed Entity Information: In Block 1, each of the following items must be properly completed. The "Billed Entity" is the entity actually paying the bills for the services listed on the Form 471.

a. Item 1 or Item 3 – Either the Name of the Billed Entity or the Entity Number;
b. Item 2 – Funding Year;
c. Item 6a – Contact Person Name

If any of these items is blank, and the information cannot be obtained from the page headers, the Form 471 will be rejected.

3. Complete Submission of Form 471: All 6 blocks of the Form 471 must be submitted. If any Block (1-6) of the paper form is missing, the form will be rejected. Please note that Block 2, which indicates that this Form 471 is being filed to make a minor modification to a previously filed Form 471, will usually be left blank.

4. Block 4 Worksheet: At least one completed Block 4 Worksheet relevant to your application type (see Block 1, Item 5) must be submitted. If a relevant Block 4 Worksheet is not submitted, or the Worksheet is missing information, the form will be rejected.

- If the application type is school or school district, a completed Block 4 Worksheet A must be submitted.
- If the application type is library, a completed Block 4 Worksheet B must be submitted.
- If the application type is consortium, a completed Block 4 Worksheet C must be submitted.

5. Complete Submission of Each Block 5 Funding Request: Each Block 5 Funding Request must meet the following requirements in order to be data entered as part of the Form 471. If any of the requirements is missing, the Funding Request will be automatically deleted from the form. If all of the Block 5 Funding Requests fail to meet these requirements, the form will be rejected.

Each Block 5 Funding Request must, at a minimum, include:

a. Item 11 – Category of Service;
b. Item 13 or Item 14 – Either the Service Provider Identification Number or the Service Provider Name;
c. Item 23 – At least one entry with a positive dollar value in Column E, H, I, or K must be completed. Please note that you may not increase your request after filing your Form 471, unless you submit a new Form 471. Therefore, you should take care to complete **ALL** applicable columns of Item 23.

In addition to the requirements listed above for Block 5, if certain components reflect a violation of program rules, they will invalidate the Funding Request featured for that service item. Discounts on services reflected in such Funding Requests will not even be entered into the SLD system; such a Funding Request will be automatically rejected, even while other Block 5 Funding Requests may be honored.

6. **Valid Certification:** Block 6, Item 34 – Signature of authorized person must be completed. If Item 34 is left blank, the Form 471 will be rejected.

Online Filers:

When Blocks 1-5 of a Form 471 are submitted online, the applicant must also (1) submit the completed Block 6 certification online with a User ID and a PIN or (2) submit the completed and signed paper Block 6 certification by mail, express delivery or U.S. Postal Service Return Receipt Requested. Online submission of Blocks 1-5 is complete after you click on the "SUBMIT" button. If the Block 6 certification is submitted on paper, you are advised to keep proof of the date of mailing. The Block 6 certification is reviewed to make sure it complies with the requirement in #6 above. Reviewers also look for the Form 471 Application Number before the Certification and Signature Page is accepted and the Form 471 reaches "certified" status. If the paper Block 6 certification document lacks the information necessary to match it with the Blocks 1-5 of the form you filed online, then your application will not meet the application window filing requirements.

Filing Requirements for Forms 471 Submitted on Paper and Online:

1. Application Materials: The following materials associated with Funding Year 2003 Form 471 must be received by 11:59 p.m. EST on January 16, 2003 or postmarked on or before January 16, 2003 in order for the request to receive consideration as inside the window. These materials are:

- The Form 471 itself (whether online or on paper)
- The Block 6 certification of the Form 471 with the signature of the authorized person (whether online or on paper)

- The Block 5 certification of any Form 470 cited in a Funding Year 2003 Form 471 with the signature of the authorized person (whether online or on paper). Forms 470 with completed certifications submitted in a previous year meet this requirement. Any Funding Year 2003 Form 471 Block 5 funding request based on a Form 470 whose certification has not been received by 11:59 p.m. EST on January 16, 2003 or postmarked on or before January 16, 2003 will be rejected.

2. Item 21 Attachment Labeling: Label your attachment as "Item 21 Attachment," and include the application number of the Form 471 it supports, or use the Applicant Form Identifier if you file on paper. Be sure to label the attachment to correspond with each Block 5, Item 21 of your application.

January 16, 2003 Deadline: Failure to make the January 16, 2003 deadline for Form 471 application materials will place the entire application outside the window, and the applicant's funding will be jeopardized.

IV. SPECIFIC INSTRUCTIONS

You are encouraged to complete and submit this form online. It will be available on the SLD web site at www.sl.universalservice.org when the Form 471 application filing window opens along with instructions for filing online using the web site. Alternatively, for paper submissions, you may download a paper version of the form from the SLD web site at www.sl.universalservice.org. If you file paper copies of the application, please type or clearly print in the spaces provided and attach additional pages if necessary and when required.

A. Top of Form

The data at the top of Form 471 will help both you and the SLD identify each particular Form 471 you file.

"Do Not Write In This Area" - The SLD uses this space to apply a bar code to your form upon receipt, so that we can properly track and archive your form.

Applicant's Form Identifier (11 characters maximum) - If you are filing more than one Form 471, please use this space to assign a unique number or letter of your own devising to facilitate communication with us about THIS particular Form 471. This Applicant's Form Identifier can be very simple; for example, if you are filing three Forms 471, you might label them "A," "B," and "C." The Applicant's Form Identifier can also be descriptive, such as "Internet." Choose identifiers that suit your own record keeping needs.

Form 471 Application Number - The SLD will assign and insert your Form 471 Application Number. Leave this item blank.

Top of each page after page 1: If you are filing this application on paper, please provide the Entity Number (from Item 3, below), your Applicant's Form Identifier, and name and phone number of the contact person (from Item 6, below) at the top of each page of the application in the space provided. This will help alleviate problems caused if the pages of an application become separated.

B. Block 1: Billed Entity Information

Block 1 of Form 471 asks you for your address and basic identifications. "You" refers throughout this form to the billed entity – the party actually paying bills for the eligible schools and libraries listed in this application form.

Item 1 (30 characters maximum) - Provide the name of the billed entity. As the billed entity, you may be an individual school, a school district that is the billed entity for its schools, a library (outlet/branch, system), or a consortium of those entities. You may also be a city, a state, or an entity created solely to participate in this universal service discount mechanism, but only if you are the billed entity, in that you actually pay the bills for the service to the service provider. **The billed entity itself may or may not be eligible for discounts.**

Item 2 - Funding years begin on July 1 and end on June 30 each year. For example, Funding Year 2003 runs from July 1, 2003 to June 30, 2004. Provide the funding year for which you are applying for funds by filling in the appropriate year in the blanks provided (e.g., July 1, 2003 through June 30, 2004).

Item 3 - Your Entity Number is a unique number assigned to your organization or institution by the SLD as a means of identifying you every time you file an application or otherwise communicate with us. If you have applied for universal service funds in previous years, or have been identified in an application filed on your behalf, you have already been assigned an Entity Number. If you do not have a record of your Entity Number, or if you have never been assigned such a number, please call the SLD Client Service Bureau at 1-888-203-8100.

Items 4a-4d - Provide your full mailing address, whether a street address, Post Office Box number, or route number. You are strongly encouraged to provide a street address rather than a Post Office Box if possible, as the Fund Administrator may need to contact you via overnight or express delivery. In addition, please provide your telephone number with area code and extension, fax number, and e-mail address if you have one (33 characters maximum).

Item 5 - Check the one box that best describes the type of application you are filing. If you are filing as a school, you should check the first box. If you are filing as a school district, you should check the second box. If you are filing as a library (outlet/branch, system), you should check the third box. If you are filing as a consortium, you should check the fourth box. (You may be a consortium of schools, libraries, or some combination of the above which may or may not include ineligible entities. If you are filing as a library consortium, you should check the fourth box.)

In addition, if you are a consortium that includes non-governmental entities ineligible for universal service support, please check the box provided to indicate this. Non-profit 501(c)(3) organizations are NOT governmental entities. (Note: Consortium members eligible for universal service support such as "rural health care providers" should be treated as "governmental entities" for the purpose of these categories.) If your consortium includes ineligible non-governmental entities, you should note that you cannot negotiate pre-discount prices below tariff rates for interstate services from incumbent local telephone companies.

Item 6a (30 characters maximum) - Provide the name of the person who should be contacted with questions about this application. This person should be able to answer questions regarding the information included on this form and the services you request.

Items 6b-6f - If the contact person's address, phone number, fax number, or e-mail address is different from those specified for the applicant in Item 4, please provide that information here. You MUST then check your preferred mode of contact. Wherever possible, the SLD will use this mode to contact you. In addition, in Item 6f, you may choose to provide an alternate telephone number, address, contact name, or special operating hours that we may use to reach you during holiday/vacation/summer periods (50 characters maximum).

C. Block 2: Minor Modification to Existing Contract or Service Agreement

Item 7 - Before completing this item, please check for guidelines at the SLD web site at www.sl.universalservice.org or by calling the SLD Client Service Bureau at 1-888-203-8100. The occasions for required use of this item will be identified each funding year. This item may be filed ONLY on paper. No online filings will be accepted for this item. **In general, you will leave this item blank.**

D. Block 3: Impact of Services Ordered in This Application

Block 3 asks for data to help the Fund Administrator document the potential impact of the universal service program for schools and libraries across the country, and compare that impact from year to year. Block 3 requests data pertinent to THIS application only. If you file multiple applications, you may provide different data in this section in each application. You need complete only those items that are relevant to your application. Please use precise data wherever possible, and your best estimates wherever necessary.

Items 8a-8b - Quantify the number of people affected by the services ordered in this application. Schools/school districts should complete Item 8a, libraries should complete Item 8b, and consortia should complete either or both as appropriate.

Item 8a - If your application includes eligible K-12 schools, provide the total number of students that will potentially be affected by the services ordered in this application.

Item 8b - If your application includes eligible libraries, provide the approximate number of patrons potentially affected by the services ordered in this application, as defined by the number of cardholders you serve or other estimates of regular library users.

Items 9a-9k - These questions ask you to quantify the expected outcomes of the services you are ordering with this application. The questions focus on typical benchmarks of technology development for schools and libraries, and request data about these benchmarks before and after your order as reflected in this Form 471. Some are more relevant to certain types of applicants than others. **Please answer ALL the questions that are relevant to your situation and THIS application.** If the quantity or capacity of a service you order remains the same before and after your order, please complete that question by entering the same data in both columns.

Item 9a - If you are ordering telephone service to reach classrooms, please indicate how many classrooms had telephone service before and after your order.

Items 9b and 9c - If your order includes high-bandwidth voice/data/video service provided by a telecommunications provider, please indicate in Item 9b how many buildings had such service before your order and how many will have such service after your order. In Item 9c, indicate the highest speed of such service to a building before and after your order. If this service also provides your buildings with Internet access, please be sure to quantify that access by completing Item 9h and/or Item 9i.

Items 9d and 9e - If your order includes dial-up Internet access, please identify in Item 9d the number of dial-up connections before and after your order. In Item 9e, indicate the highest speed of such connections before and after your order. If you complete this item, please also complete Item 9h-9j as appropriate.

Items 9f and 9g - If your order includes direct access to the Internet via lines identified in this application for Internet access only, please indicate in Item 9f the number of such connections before and after your order. In Item 9g, indicate the highest speed of such connections before and after your order. If you complete this item, please also complete Items 9h-9j as appropriate.

Item 9h - If your application includes schools and provides for Internet access either directly or indirectly, please provide your best estimate of the number of rooms with Internet access before and after your order. Please also complete Item 9j.

Item 9i - If your application includes libraries and provides for Internet access either directly or indirectly, please provide your best estimate of the number of buildings (including bookmobiles) with Internet access before and after your order. Please also complete Item 9j.

Item 9j - Provide your best estimate of the number of computers or other devices (such as television sets, hand-held units, network terminals, and other non-PC Internet appliances) that had Internet access before your order, and how many will have Internet access after your order. These devices may access the Internet directly or via a local area network. If you complete this

item, be sure to also reflect the quality and capacity of that access by completing Items 9b and 9c, and/or Items 9d and 9e, and/or Items 9f and 9g.

Item 9k - Use this item to describe any other relevant outcome of your order not captured in the items above. We are particularly interested in new and emerging technology solutions made possible by eligible services ordered in this application.

E. Block 4: Discount Calculation Worksheets

This block consists of three separate worksheets designed to meet the needs of those filing as:

- Schools/school districts – Worksheet A (see step-by-step instructions).
- Libraries (outlet/branch, system) – Worksheet B (see step-by-step instructions).
- Consortia – Worksheet C (see step-by-step instructions).

Each worksheet includes its own instructions and its own step-by-step discount calculation chart. NOTE: If you are filing as a consortium, you may also need to include one or more Worksheets A and/or one or more Worksheets B (see step-by-step instructions for Worksheet C).

Instructions for Each Worksheet

Worksheet A: Discount Calculation for those entities filing as Schools/School Districts

If you checked the first or second box in Block 1, Item 5, you should use this worksheet.

Item 10a - If you are filing this application as:

- a school, you need only complete one line of Item 10b, Columns 1-7. All of the services for which you are applying will be subject to the same site-specific discount you calculate here.
- a school district serving more than one school, and you are requesting services that will go ONLY to individual schools and will not be shared, complete Columns 1-7 of Item 10b for each school.
- a school district, and ALL of the schools in your district will share one or more services (whether or not those schools will also receive site-specific services), complete Columns 1-8 for each of your schools PLUS Item 10c.
- a school district and if some services you are requesting will be shared by some schools and not others (whether or not those schools will also receive site-specific services), complete a separate worksheet, Columns 1-8 PLUS Item 10c, for each different group of schools sharing a service. You will then label the worksheets A-1, A-2, A-3, etc.

Item 10b - Use this worksheet as instructed in Item 10a to calculate the appropriate discount(s).

Item 10b, Column 1: For each school included in your application, list the school by name on a separate row. For a new school under construction, label this item "New School Construction"

followed by the name of the school, in parentheses, if it is known at the time the Form 471 is submitted. If your district office or other administrative building(s) in your district is eligible for services, label this item "Administrative Entity" followed by the name, in parentheses, of the district office or other administrative building.

Item 10b, Column 2: List each school's Entity Number. If you do not know the Entity Number for a particular school or administrative building, call the Client Service Bureau at 1-888-203-8100.

Item 10b, Column 3: Indicate whether each school is located in an urban or a rural area. You should base your assessment on the table posted in the "Rural/Urban Classification" information on the SLD web site at www.sl.universalservice.org. Instructions accompanying the table will help you determine whether the school is located in an urban or a rural area for purposes of the universal service support mechanism.

Calculating Each School's Site-Specific Discount (Columns 4-7)

Item 10b, Column 4: List the total number of K-12 students in each school. For "New School Construction" or for an "Administrative Entity," enter "0" in this item.

Item 10b, Column 5: Provide the number of students eligible for the National School Lunch Program (NSLP) as of the October 1st prior to the filing of this form, or use the most current figure available. For "New School Construction" or for an "Administrative Entity," enter "0" in this item. You may choose to use an actual count of students eligible for the National School Lunch Program or use federally approved alternative mechanisms to determine the level of poverty for purposes of the universal service discount program. Schools using a federally approved alternative mechanism may use participation in other income-assistance programs, such as Medicaid, food stamps, Supplementary Security Income (SSI), federal public housing assistance (Section 8), or Low Income Home Energy Assistance Program (LIHEAP) to determine the number of students that would be eligible for the NSLP. See 34 C.F.R. § 200.28(a)(2)(i)(B). For more information, please refer to the "Alternative Discount Mechanisms Fact Sheet" posted on the SLD web site at www.sl.universalservice.org.

Item 10b, Column 6: For each school, divide Column 5 by Column 4 to arrive at the percentage of students eligible for the National School Lunch Program. Discount calculations may be rounded up only when fully half a discount point is reached. For example, an urban school with a discount eligibility of 34.499% will round down to 34%, and an urban school with a discount eligibility of 34.500% will round up to 35%. For eligibility discounts of less than 1%, however, there is no rounding. For "New School Construction" or for an "Administrative Entity," leave this item blank.

Item 10b, Column 7: Using the percentage in Column 6 and the Discount Matrix (see below), you should determine the percentage discount to which the school is entitled. If you file online, the system will calculate this figure for you. If you have any questions about determining this

figure, you can call the SLD Client Service Bureau for assistance at **1-888-203-8100**. For "New School Construction" or for an "Administrative Entity" ONLY, enter the Weighted Average Discount for the School District. (A preparatory Worksheet A must be submitted documenting the Weighted Average Discount for the School District or, if a Worksheet A already includes all schools in the School District, label that worksheet "All Schools in the School District.")

DISCOUNT MATRIX

INCOME **Measured by % of students eligible for the National School Lunch Program**	**URBAN LOCATION** **Discount**	**RURAL LOCATION** **Discount**
If the percentage of students in your school that qualifies for the National School Lunch Program is...	...and you are in an URBAN area, your discount will be...	...and you are in a RURAL area, your discount will be...
Less than 1%	20%	25%
1% to 19%	40%	50%
20% to 34%	50%	60%
35% to 49%	60%	70%
50% to 74%	80%	80%
75% to 100%	90%	90%

Calculating a Shared Discount for the School District (Column 8 and Item 10c)

Item 10b, Column 8: For each school receiving an appropriate share of shared services, multiply the discount rate for the school (Column 7) by the number of students in the school (Column 4). If you file online, the system will calculate this figure for you. The product is the school's weighted discount. For "New School Construction" or for an "Administrative Entity," leave this item blank.

Item 10b, Column 4, last cell: Add all of the students in all of the schools listed, and enter the total into the last cell at the bottom of Column 4. If you file online, the system will calculate this figure for you.

Item 10b, Column 8, last cell: Add together all of the products in Column 8, and enter the total into the last cell at the bottom of Column 8. If you file online, the system will calculate this figure for you.

Item 10c - Divide the total at the bottom of Column 8 by the total at the bottom of Column 4. Round the result to the nearest whole number percentage, and enter it into Item 10c. If you file online, the system will calculate this figure for you.

Worksheet B: Discount Calculation for those entities filing as Libraries

If you checked the third box in Block 1, Item 5, you should use this worksheet.

Item 10a - If you are filing this application as:

- a library consisting only of one outlet/branch, you need only complete one line of Item 10b, Columns 1-4. All of the services for which you are applying will be subject to the same site-specific discount you calculate here.
- a library and you are a library system with more than one outlet/branch, and you are requesting services that will go ONLY to individual outlets and will not be shared, complete Columns 1-4 of Item 10b for each outlet.
- a library and you are a library system with multiple outlets/branches, and ALL of the outlets/branches will share one or more services (whether or not those outlets/branches will also receive site-specific services), complete Columns 1-4 PLUS Item 10c.
- a library and you are a library system with some of the services you are requesting shared by some outlets/branches and not others (whether or not those outlets/branches will also receive site-specific services), complete a separate worksheet, Columns 1-4 PLUS Item 10c, for each different group of outlets/branches sharing a service. You will then label the worksheets B-1, B-2, B-3, etc.

Item 10b - You will use this worksheet as instructed in Item 10a to calculate the appropriate discount(s).

Item 10b, Column 1: For each library outlet/branch included in your application, list the outlet/branch by name on a separate row. For a new library under construction, label this item "New Library Construction" followed by the name of the library, in parentheses, if it is known at the time the Form 471 is submitted. If your library system office or other administrative building(s) is eligible for services, label this item "Administrative Entity" followed by the name, in parentheses, of the library system or other administrative building.

Item 10b, Column 2: List the Entity Number for each library outlet/branch. If you do not know the Entity Number for a particular library outlet/branch or administrative building, call the SLD Client Service Bureau at 1-888-203-8100.

Identifying the Site-Specific Discount for Each Library Outlet

Item 10b, Column 3: List the name of the public school district in which each library outlet/branch is located.

Item 10b, Column 4: The level of poverty for a library outlet/branch is based on the percentage of student enrollment that is eligible for a free or reduced price lunch under the National School Lunch Program or a federally approved alternative mechanism in the public school district in which the library is located. If you are using the percentage of students eligible for the National

School Lunch Program, you may generally obtain the necessary information by contacting your local school district.

To determine the discount to which the library is entitled under E-rate, you must perform a two-step procedure. First, calculate the percentage of the students eligible for the National School Lunch Program in the school district in which the library is located. Second, use the Discount Matrix (see above) to determine the discount to which the library is entitled under E-rate. This discount must be entered in Item 10b, Column 4.

FIRST STEP: To calculate the percentage of students eligible for the National School Lunch Program, take the **number of students eligible** for the National School Lunch Program (NSLP) **in the school district in which the library outlet/branch is located (listed in Column 3) and divide by the total number of students in that school district**. Use the number of students eligible for the National School Lunch Program (NSLP) as of the October 1st prior to the filing of this form or use the most current figure available. Discount calculations may be rounded up only when fully half a discount point is reached. For example, a library outlet/branch with a calculated NSLP percentage of 34.499% will round down to 34%, and a library outlet/branch with a calculated NSLP percentage of 34.500% will round up to 35%. For calculated NSLP percentages of less than 1%, there is no rounding.

You may choose to use a federally approved alternative mechanism for the public school district in which the library is located to determine the level of poverty for purposes of the universal service discount program. Those using a federally approved alternative mechanism may use participation in other income-assistance programs, such as Medicaid, food stamps, Supplementary Security Income (SSI), federal public housing assistance (Section 8), or Low Income Home Energy Assistance Program (LIHEAP) to determine the number of students that would be eligible for the NSLP. See 34 C.F.R. § 200.28(a)(2)(i)(B). For more information, please refer to the "Alternative Discount Mechanisms Fact Sheet" posted on the SLD web site at www.sl.universalservice.org.

SECOND STEP: **Using the percentage calculated for the school district and the Discount Matrix (see above), determine the discount to which the library is entitled under E-rate.** (NOTE: You must determine if the library outlet/branch is located in an urban or rural area based on the table posted in the "Rural/Urban Classification" information on the SLD web site at www.sl.universalservice.org. Instructions accompanying the table will help you determine whether the library outlet/branch is located in an urban or a rural area for purposes of the universal service support mechanism.) For example, a library outlet/branch which is located in an urban area with a calculated NSLP eligibility of 34% is eligible for a 50% E-rate discount from the Discount Matrix, and a library outlet/branch which is located in an urban area with a calculated NSLP percentage of 35% is eligible for a 60% E-rate discount from the Discount Matrix. For calculated NSLP percentages of less than 1%, there is no rounding, and the E-rate discount from the Discount Matrix is 20% for urban and 25% for rural.

For "New Library Construction," enter the discount from the Discount Matrix calculated as described above for the school district in which the library under construction is located. For an "Administrative Entity," enter the Library System's Average Discount from Item 10c after it is calculated.

Calculating the Shared Discount for the Library System

Item 10b, Column 4, last cell: Add up all of the discounts in this column and enter the total in the cell at the bottom of Column 4. If you file online, the system will calculate this figure for you.

Item 10c - Divide the total at the bottom of Column 4 by the total number of library outlets/branches listed in Column 1. Round the result to the nearest whole number percentage, and list this number in Item 10c. This is the library system's shared discount. If you file online, the system will calculate this figure for you.

Worksheet C: Discount Calculation for Consortia

If you checked the fourth box in Block 1, Item 5, you should use this worksheet. This worksheet should be used for a consortium of schools, school districts, libraries (outlets/branches, systems) or any combination of the above.

Item 10a - If you are filing this application as:

- a consortium and you are requesting services that will go ONLY to an individual consortium member and will not be shared, complete Columns 1-3 of Item 10b for each member.
- a consortium and if ALL consortium members will share one or more services (whether or not those consortium members will also receive site-specific services), complete Columns 1-3 for each member of your consortium PLUS Item 10c.
- a consortium, and some requested services will be shared by some consortium members and not others (whether or not those consortium members will also receive site-specific services), you must complete a separate worksheet, Columns 1-3 PLUS Item 10c, for each different group of consortium members sharing a service. You will then label the worksheets C-1, C-2, C-3, etc.

Item 10b - You will use this worksheet as instructed in Item 10a to calculate the appropriate discount(s).

Item 10b, Column 1: For each eligible consortium member included in your application, list the member by name on a separate row. Do not list ineligible consortium members, as they will not receive discounted services.

Item 10b, Column 2: List each eligible consortium member's Entity Number. If you do not know the Entity Number for a particular eligible consortium member, call the SLD Client Service Bureau at 1-888-203-8100.

Identifying the Site-Specific Discount for Each Member

Item 10b, Column 3: Provide the correct discount for each eligible member depending on the type of entity it is.

- If the member is an individual school, use the discount from Worksheet A, Column 7. Attach a completed Worksheet A showing the calculations for each school that is a member of your consortium.
- If the member is a school district, use the discount from Worksheet A, Item 10c (the weighted average discount). Attach a completed Worksheet A showing the calculations for each school district that is a member of your consortium.
- If the member is a library outlet/branch, use the discount calculated as explained above for Worksheet B, Column 4.
- If the member is a library system, use Worksheet B, Columns 1-4 PLUS Item 10c, to calculate the discount. Attach a complete Worksheet B showing these calculations for each library system that is a member of your consortium.

Calculating the Shared Discount for the Consortium

Item 10b, Column 3, last cell: Add up all of the discounts in this column and enter the total in the cell at the bottom of this column. If you file online, the system will calculate this figure for you.

Item 10c - Divide the total at the bottom of Column 3 by the total number of consortium members listed in Column 1. Round the result to the nearest whole number percentage, and list this number in Item 10c. This is the shared discount for the entire consortium. If you file online, the system will calculate this figure for you.

F. Block 5: Services Ordered

Block 5 asks you to provide information about the eligible services that you have ordered, their cost, and the discount you are requesting based on the entities to receive service. The following information will highlight the features of Block 5:

You will complete one Block 5 worksheet for **each** Funding Request. In general, you should complete a separate Funding Request page for:

- Each service provider that will be providing you with service.
- Each separate contract or service agreement (but not necessarily the individual service within that contract or agreement, as long as they are in the same category of service, e.g. telecommunications services).
- Each different category of service provided by the same provider. For example, a PBX system that the applicant will purchase and own and local voice service from the same telephone company should go on separate Block 5 worksheets, since the PBX would be Internal Connections and the phone service is Telecommunications Services. Check the "Eligible Services List" and any updates at www.sl.universalservice.org to identify which category each service belongs in.
- Local phone service.
- Long distance phone service.
- Site-specific service (service not shared by other sites).
- If you are ordering services based on different Forms 470, services corresponding to each Form 470 must be reported on separate Block 5 worksheets with the relevant Form 470 Application Numbers.

- **Priority 1 and Priority 2 services.** Applicants who are applying for both Priority 1 (Telecommunications Services or Internet Access) and Priority 2 (Internal Connections) services are strongly encouraged to file these requests on separate Forms 471 — that is, to file one or more Forms 471 for their Priority 1 requests and one or more Forms 471 for their Priority 2 requests.

- **Ineligible costs:** You may not seek support for ineligible services, entities, and uses. The Block 5 worksheet will guide you through deducting any ineligible costs from your total cost of services before calculating your discount request. If you have any questions about whether a service is eligible for support, please check the "Eligible Services List" on the SLD web site at www.sl.universalservice.org or contact the SLD Client Service Bureau at 1-888-203-8100.

- **Signed contracts:** You MUST have a signed contract (or a legally binding agreement between you and your service provider preparatory to a formal signed contract) for all services you order on your Form 471 except:

  - *Tariffed services:* Telecommunications services that you purchase at prices regulated by your state regulatory commission and/or the FCC, which do not require a signed, written contract.
  - *Month-to-Month Services:* Month-to-Month services which do not require a signed, written contract. Your billing arrangement signifies that you are receiving your services on a month-to-month basis.

Note: You must file a Form 470 and seek competitive bids for tariffed or month-to-month services each funding year.

- **Eligible service providers:** To provide you with telecommunications services, Internet access and internal connections under this program, a service provider must secure a Service Provider Identification Number (SPIN) from the Universal Service Administrative Company and certify that they will comply with program rules. ***However, telecommunications services may be obtained only from telecommunications companies who provide those telecommunication services on a common carriage basis (meaning they provide their services for a fee to the general public).*** You may check the "BEAR/SPIN Search" on the SLD web site at www.sl.universalservice.org to confirm whether your service provider is eligible to provide telecommunications services. If you receive telecommunications services from a provider that does not provide telecommunications services on a common carriage basis, your Funding Request for such services will be denied.

- **Discounted and undiscounted amounts:** Form 471 requires you to certify in Block 6, Item 25 that you have adequate budgetary resources for the undiscounted portion of any service you seek, as well as for related, ineligible services such as computers, training, software, maintenance, and electrical connections that you will need to make effective use of the services you order.

Item-by-Item Instructions

FRN # - The Fund Administrator will assign a unique number to each Funding Request represented on a Block 5 worksheet.

Item 11 - Check the correct category for the service listed on this Block 5 Funding Request. You may check only ONE. Please consult the "Eligible Services List" and any updates on the SLD web site at www.sl.universalservice.org or contact the SLD Client Service Bureau at 1-888-203-8100.

Item 12 - Provide the 15-digit FCC Form 470 Application Number of the FCC Form 470 in which the services ordered here were sought. FCC Form 470 applicants will receive this number when they receive confirmation that their FCC Form 470 has been received and posted.

Item 13 - Enter the 9-digit Service Provider Identification Number (SPIN) for this service provider. You must provide a valid SPIN for the service provider indicated in Item 14 below. Each service provider should give you its SPIN on request. You may refer to the "BEAR/SPIN Search" area of the SLD web site for a list of service provider contacts. A service provider who does not have a SPIN should file the FCC Form 498 to obtain one. The Form 498 and Instructions can be downloaded from the Forms Area of the SLD web site.

Item 14 (30 characters maximum) - Provide the full legal name of the service provider for this Funding Request. You may list only ONE service provider per Block 5 worksheet. The name of your Service Provider whose SPIN is indicated in Item 13 above must be provided.

Item 15 (18 characters maximum) - Provide the contract number for this service.

- If this is a contracted service, and the contract does not have a contract number but has some other reference number, you should note that number. If there is no reference number, please enter N/A.
- If you are buying off of a master contract signed by a state, regional or local procurement agency on behalf of eligible schools and libraries, you may use either the master contract number or the number of your own purchase agreement executed pursuant to that master contract. Whichever number you use, be certain that you use the corresponding dates in Item 18 and Item 20.
- If this is a tariffed service— a telecommunications service that you purchase at prices (rates) regulated by your state regulatory commission and/or the FCC which does not require a signed, written contract—place a T in Item 15.
- Certain services are commonly offered on the basis of a month-to-month arrangement where there may be no written agreement between the customer and the service provider. These include services such as Internet access, cellular services and paging services. In these instances, standard monthly bills will be accepted as proof of a binding, legal arrangement between the service provider and the customer. (These arrangements are different from tariffed services, which may also be offered month-to-month but at regulated prices.) If the service for which you are completing Block 5 is purchased under such a month-to-month arrangement, please enter MTM (for "month-to-month") in Item 15.

Item 16 (18 characters maximum) - Provide the account number that your service provider has established with you for billing purposes. This information will help your service provider provide you with discounted bills for service. In the case of telephone services, this is most often the billed telephone number associated with the service. **If there are multiple billed telephone numbers, provide one main number**. If this service is already established (for example, a service provided under a qualified existing contract, or tariffed services for which you have selected the same service provider who already provides you with service), you should be able to find your account number on past bills, or you can request your account number from the service provider. If you have not yet established an account number, your service provider may have a "pre-account" identifier for you to use. If your service provider has no account number to identify your service, enter N/A.

Item 17 - List the Allowable Vendor Selection/Contract Date for this service. The Allowable Vendor Selection/Contract Date is the earliest date you are permitted to sign a contract for newly contracted services or to select your service provider for tariffed or month-to-month services after posting a Form 470. This Allowable Vendor Selection/Contract Date is identified in your Receipt Notification Letter for the Form 470 cited in Item 12 above, as well as on that posted Form 470 on the SLD web site.

Item 18 - For contracted services, enter the date that your contract for this service was signed, using mm/dd/yyyy format. For tariffed services and month-to-month services that you have identified as such in Item 15, leave this item blank.

Item 19a - For contracted, tariffed, and month-to-month services, provide the date **when services will start in the funding year** for which you are applying, using mm/dd/yyyy format. Note that discounts will NOT be provided for services delivered before the beginning of the funding year, which starts on July 1. Thus, if this service has already started by the time you file this Form 471, you will use July 1 of the funding year as your Service Start Date.

Item 19b - For tariffed and month-to-month services, enter the date that services will end in the funding year for which you are applying, using mm/dd/yyyy format. For contracted services, see Item 20 below.

Item 20 - For contracted services, enter the date the contract expires, in mm/dd/yyyy format. For tariffed services and month-to-month services that you have identified as such in Item 15, leave this item blank.

Item 21 (8 characters maximum) - Each Block 5 Discount Funding Request must include a description of the products and services for which discounts are being sought. This description is known as an "Item 21 Attachment." Each description must be labeled with a unique "Attachment Number" that you create. For Item 21, please enter the Attachment Number you have created.

You may cite the same description of services in multiple Block 5 Discount Funding Requests. For example, if you are ordering Internal Connections products and services under a single contract for multiple sites and the products and services are the same for each site, each Block 5 Discount Funding Request may refer to a single Item 21 Attachment.

In general, the Item 21 Attachment is a narrative description of the funding request and a line-item listing of the products and/or services requested with their associated costs. Service providers can assist applicants in the preparation of the Item 21 Attachment, which also must include:

- The applicant's name
- The Attachment Number (see above)
- The applicant's Billed Entity Number, and
- The Form 471 application number, if one has been assigned through online filing.

The line-item listing of products and services may be submitted in a table format as follows:

Quantity	Description of Product or Service	Unit Cost	-----Extended Cost-----	
			Recurring	Non-Recurring

In some circumstances, additional information may be required. For example:

- Ensure that any included ineligible products and/or services are identified and the cost of such products and/or services is deducted.
- For maintenance services, include the specific list of components to be covered and break out the pricing for maintenance of these components.
- For telephone services, indicate the number of phone lines and/or cell phones receiving service, and provide information about their use if any will be used for other than educational purposes.
- A price quotation from the service provider, a representative bill for continuing services, or the criteria used to estimate new or increased costs, may be submitted if sufficient detail is provided in that documentation to determine the eligibility of the funding request.
- If products or services are being purchased under a state master contract, include the contract number (if available) and the expiration date of the state master contract.
- Include an explanation of the purpose, location, breakdown of up-front costs, or other information to provide a clear explanation of the funding request.

If questions arise during review of an application, the SLD may reach out to the applicant to request additional information. For this reason, applicants can significantly speed up the application review process by including complete information in the Item 21Attachment.

Item 22 - Entities receiving this service. For site-specific services that will be provided to one individual entity and not shared by others (for example, a local area network to be installed in one school building), provide the Entity Number of the individual entity receiving that service in **Item 22a**. For shared services used jointly by multiple entities (such as telecommunications services provided to all of the outlets/branches in a library system), list the Block 4 Worksheet Number that shows the sharing entities and calculates the shared discount for this service in **Item 22b**.

Item 23 - Use the step-by-step calculation grid to arrive at the total amount of your funding request. You may round dollar amounts to the nearest dollar, but please use numerals and include all digits. **DO NOT use words such as 1 million**, in place of 1,000,000. Note that if you are seeking support on multi-year contracts, **you may request funding only for that portion of the contract that is delivered in the relevant funding year.**

Use Columns A-E for ***recurring*** charges (monthly charges) for this service, and Columns F-H for ***non-recurring*** charges (one-time charges) for this service.

You may request discounts only for products and services delivered in the relevant funding year. Recurring services must be delivered between July 1 and June 30 of the funding year. Non-recurring services must generally be delivered between July 1 and the September 30 following the close of the funding year. For more information, please refer to "Service Delivery Deadlines and Extension Requests" on the SLD web site at www.sl.universalservice.org.

Item 23, Column A: Estimate your total monthly cost for this service. If the cost of service fluctuates from month to month, you may use the average of past bills to estimate the monthly cost.

If you expect to pay a non-recurring charge in multiple installments over the funding year, you should either amortize this charge in Columns A-E or include the full amount of this charge in Columns F-H. **DO NOT** include this amount under both recurring and non-recurring charges. If you amortize this charge in Columns A-E, you will not be eligible for discounts on the non-recurring services provided after June 30 of the funding year.

Item 23, Column B: Enter the total cost associated with ANY ineligible services, entities, or uses included in your monthly charges. The following represent some common ways in which eligible and ineligible costs are bundled together, and how you can go about deducting the ineligible costs.

- **Eligible services bundled with ineligible services:** While you may contract with the same service provider for both eligible and ineligible services, your contract or purchase agreement must clearly break out costs for eligible services from those for ineligible services. If the eligible and ineligible services were purchased together at a special "bundled" price, a proportionate cost allocation is required between the eligible and ineligible components. The applicant will use this reduced price when requesting universal service discounts on the eligible service. For example, if a provider offers to sell a school an eligible service for $10.00 and an ineligible service for $20.00, but also offers them as a bundle for $24.00, this would indicate that the provider is offering a $6.00, or 20%, price reduction. Therefore, the school could treat $10.00 - 20% = $8.00 as eligible for universal service support.

- **Services shared by eligible and ineligible entities:** When you share a service with an ineligible entity, the provider may receive reimbursement only for that portion of the service that eligible entities are receiving. To help auditors confirm that this rule is being observed, you must keep and retain careful records of how you have allocated the costs of shared services and facilities among eligible and ineligible entities. You should maintain these records consistent with any measures that may be established by the FCC, the SLD, or state commissions.

- **Bundled services from an Internet service provider:** You may receive discounts on access to the Internet but not on separate charges for particular proprietary content, other information services, or a package including content and conduit. The only exception is when the bundled package includes minimal content and provides a more cost-effective means of securing access to the Internet than other non-content alternatives. Thus, if a service provider bundles Internet access with a package of content that is available to all customers free of charge, the entire price of that bundle will be eligible for support. However, if the service provider a) does not offer an access-only service, and b) offers Internet users access to its proprietary content for a price, then you may treat the difference between the content-only price and the price it charges for its bundled access as the price of non-content Internet access.

Item 23, Column C: Subtract the amount in Column B from the amount in Column A to arrive at your eligible monthly pre-discount cost.

Item 23, Column D: Provide the number of months you will be receiving this service in the funding year.

Item 23, Column E: Multiply Column D by Column C to arrive at your annual pre-discount cost for eligible recurring services.

Item 23, Column F: Estimate your total annual amount of non-recurring (one time) pre-discount charges for this service.

Item 23, Column G: Provide the total cost here associated with any ineligible service, entities, or uses included in your total annual cost of service. See notes on Column B, above, for more information.

Item 23, Column H: Subtract the amount in Column G from the amount in Column F to arrive at your total eligible pre-discount cost for non-recurring services.

Item 23, Column I: Add together columns E and H to arrive at your total eligible pre-discount costs (recurring and non-recurring) for the year.

Item 23, Column J: Enter the correct discount for this service, which is the discount you calculated for the entity or entities cited in Item 22. Refer back to the appropriate Block 4 worksheet to assure that you enter the correct discount.

Item 23, Column K: Multiply the amount in Column I by the discount in Column J to arrive at your total funding commitment requested for this service.

G. Block 6: Certification and Signature

Block 6 requires schools and libraries to certify certain information. This information is required to ensure that only eligible entities receive support under the universal service discount mechanism.

"Do Not Write In This Area" - The SLD uses this space to apply a bar code to your form upon receipt, so that we can properly track and archive your form.

Special Block 6 Instructions for Applications Filed Online

- When you have completed the online filing of Blocks 1-5, please print your application to retain a copy for your records.

- You must also submit the Block 6 certification.

  - If you have a User ID and PIN and wish to submit your Block 6 certification online, follow the directions online. When you submit your certification online, you will receive a confirmation so that you can be assured that your submission has met any filing deadlines. If you file online and use online certification, do not mail any part of your Form 471 to the SLD, but do mail the Item 21 attachments to the SLD as soon as possible after completing your Form 471. Make a copy of the online certification confirmation page and attach that to the top of the Item 21 attachment so that the SLD will be able to match the Item 21 attachment with the correct Form 471. Check the "PIN Request Area" of the SLD web site for information about obtaining a User ID and a PIN.

  - If you wish to submit the completed and signed Block 6 certification on paper, print Block 6 using your browser. When you print Block 6 using the browser, the form will automatically include your Form 471 Application Number, Applicant Name, and Applicant Address. Item 34 requires the signature of the authorized person who will certify to the accuracy of the information on the form. Also, you must complete Items 24-33. Mail the signed Block 6 to: **SLD-Form 471, P. O. Box 7026, Lawrence, Kansas 66044-7026.** For express delivery services or U.S. Postal Service Return Receipt Requested, send to **SLD-Form 471, c/o Ms. Smith, 3833 Greenway Drive, Lawrence, Kansas 66046**. Note: Do not mail the complete Form 471. Mail only the signed Block 6 certification page along with your Item 21 Description of services and any other attachments. If the Block 6 certification is submitted on paper, you are advised to keep proof of the date of mailing.

For all applicants, filing on paper or online:

Item 24 - Certify that the entities listed in Block 4 of your application are eligible schools and/or libraries. If your application includes schools and all of the information in **Item 24a** is true of those schools seeking to receive discounted services, you should check the box in Item 24a. If

your application includes schools and any of the information in Item 24a is not true for the schools seeking to receive discounted services, those schools are not eligible to receive support under the universal service discount mechanism, and you should not check this box.

If your application includes libraries or library consortia and all of the information in **Item 24b** is true of the libraries seeking to receive discounted services, you should check the box in Item 24b. If your application includes libraries or library consortia and any of the information is not true for the libraries or library consortia seeking to receive discounted services, those libraries or library consortia are not eligible to receive support under the universal service discount mechanism, and you should not check this box.

Item 25 - Certify that the current budget and any other budgets applicable to the current funding year for the eligible schools and libraries listed in Block 4 of this application will provide sufficient funding in this funding year to purchase all of the resources—including computers, training, software, maintenance, and electrical connections—that are necessary for you to make effective use of the eligible services you have requested in Block 5, as well as to pay the non-discounted portion of the charges for eligible services.

As part of our review of your Item 25 certification, the SLD may request additional documentation to support your certification. The certification in Item 32 below states that you will retain for five years any and all worksheets and other records that you rely upon to fill out your Form 471. For Item 25, these worksheets and records include:

- **Paying your share of E-rate eligible costs.** You may be asked to provide documentation of your ability to pay the non-discounted portion of the products and services for which you have applied for discounts. You should already have the funds identified in your budget to pay for these costs. If your budget is not yet final, we may request additional documentation to substantiate your certification.
- **Paying for ineligible costs.** You may be asked to provide estimates of hardware, software, professional development, retrofitting (construction and electrical work necessary to prepare a building for technology), maintenance investments and other resources that are necessary to make effective use of the E-rate discounts you have requested. These resources may or may not be eligible for E-rate discounts. Again, if these resources will be purchased under your budget, you should already have the funds identified in your budget to pay for them. However, these resources may also be ones that you already have or own, such as computers purchased or donated in a prior year.
- **Technology Plan.** If you applied for more than basic local and long distance telephone services, you may be asked to provide a copy of your Technology Plan. Your Technology Plan should include a description of the products and services necessary to accomplish your technology service goals, whether they are eligible or ineligible for E-rate discounts.
- **Status of technology before and after E-rate discounts.** You may be asked to provide an estimate of the level of technology for all recipients of discounted services included in your application. This estimate would describe the level of technology for each recipient

both at the beginning of the funding year and after the planned products and services in your Technology Plan are delivered and installed.

Items 26 and 27 concern the technology plans that must be prepared and approved before schools and libraries may receive discounted services under the universal service support mechanism. The only schools and libraries that do not have to comply with the technology plan requirement are those entities requesting support ONLY for basic local and long distance telephone service.

Item 26 - Check the box that best describes the level of technology plan.

- **Item 26a -** Check here if the eligible entities are covered by individual technology plans for the services requested in your application.
- **Item 26b -** Check here if the eligible entities are covered by a higher-level, multi-entity technology plan, such as a school district or library system plan. Statewide technology plans are not acceptable.
- **Item 26c -** Check here if your application is ONLY for basic local and long distance telephone service, in which case no technology plan is required.

Item 27 - Check the box that best describes the status of the technology plan.

- **Item 27a -** Check here if your technology plan has been approved.
- **Item 27b -** Check here if you are currently seeking approval of your technology plan(s) from a state or other authorized body.
- **Item 27c -** Check here if your application is ONLY for basic local and long distance telephone service, since no technology plan is required.

Item 28 - Certify that you have complied with all applicable state and local laws or rules regarding procurement. The FCC's rules are not intended to preempt state or local procurement rules.

Item 29 - Certify that services ordered pursuant to the universal service discount mechanism will be used for educational purposes only and that the services will not be sold, resold, or transferred in consideration for money or any other thing of value.

Item 30 - Certify that you have complied with all program rules and that you acknowledge failure to do so may result in denial of discount funding and/or cancellation of funding commitments.

Item 31 - Certify that you understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the shared services receive an appropriate share of benefits from those services, as defined by the FCC.

Item 32 - Certify that you are aware that you may be audited to ensure that the information that you are providing in this form is accurate and that you are abiding by all of the relevant regulations. You must also commit to retain any and all worksheets and other records that you have relied upon to fill out Form 471 for five years so that an auditor can verify the accuracy of the information you provide. This includes all documentation showing that you have complied with all applicable competitive bidding requirements, including copies of competing bids and documentation of the bid evaluation process and bid criteria used. Thus, if applicants represent multiple billed entities, collect data from those entities, and add up that data, they should retain those data sheets for five years. If an applicant is audited, it should be prepared to make the worksheets and other records used to compile these forms available to the auditor and/or the administrator, and it should be able to demonstrate to the auditor and/or the Administrator how the entries in its application were provided.

Item 33 - Certify that you are the person authorized to submit and certify to the accuracy of this form. This person must be authorized to represent any and all of the entities for which discounts are sought in this application. Documentation to confirm this person's authorization to represent all entities in this application may be sought by the Fund Administrator during review of this application. For example, for consortium applications, the consortium lead member must either collect Letters of Agency from each consortium member or be able to provide some other proof that each consortium member knew it was represented on the application. Consortia that have a statutory or regulatory basis and for which participation is mandatory must be able to provide documentation supporting this certification. For consultants or other signers who are not employees of the Billed Entity, those individuals must also have a Letter of Agency from the applicant affirming that they are authorized to represent the applicant. For more information, please refer to "Letters of Agency" on the SLD web site at www.sl.universalservice.org.

Item 34 requires the signature of the authorized person.

Item 35 requires that the date of signature of the Form 471 be provided. Please note that for applications requesting new services, this date CANNOT be earlier than any Allowable Vendor Selection/Contract Date you cited in Item 17 of any Block 5 submitted with this application.

Item 36 (30 characters maximum) - Print the name of the authorized person whose signature is provided in Item 34.

Item 37 (30 characters maximum) - Provide the title or position of the authorized person whose signature is provided in Item 34.

Item 38 - Provide the telephone number, including area code, of the authorized person whose signature is provided in Item 34.

V. REMINDERS

- All schools and libraries ordering services eligible for universal service discounts must file Form 471 each time they order telecommunications services, Internet access, and internal connections for which they are requesting discounts.

- Form 470 must be posted to the SLD web site for at least 28 days before filing Form 471.

- If you are applying for both Priority 1 (Telecommunications Services or Internet Access) and Priority 2 (Internal Connections) services, you are strongly encouraged to file these requests on separate Forms 471 — that is, to file one or more Forms 471 for your Priority 1 requests and one or more Forms 471 for your Priority 2 requests.

- For Funding Year 2003, the application window will open at noon EST on Monday, November 4, 2002 and close at 11:59 p.m. EST on January 16, 2003.

- The authorized individual representing the entity that pays the bills for ordered telecommunications and other supported services for the school, school district, or libraries, or consortium must sign the Form 471 or certify it online.

- Provide data for all items that apply. For items that do not apply, fill in "N/A."

- Attach additional sheets if necessary. Any attachments to Form 471 should be clearly labeled. In addition, your attachments for Item 21 description of services must be clearly labeled with Attachment Numbers assigned by you.

- If you are filing Blocks 1-5 of Form 471 online, you must also complete and submit your Block 6 Certification (whether online or on paper), your Item 21 description of services and any other attachments. If you have not already done so, you must also submit the Block 5 certification of any Form 470 cited in a Funding Year 2003 Form 471 with the signature of the authorized person.

- The Fund Administrator will notify the Form 471 applicant after our review of your application has been completed.

- The Fund Administrator will not provide funds to service providers for any service until FCC Form 486 is filed for that service, indicating that the service recipient's technology plan(s) (if necessary) has/have been approved (unless the recipient seeks only basic local and long distance telephone service) and that service has begun to be provided or that the recipient has confirmed with the service provider that services are schedule to begin in July of the funding year (early filing).

- You may be audited to ensure that the information that you are providing in this form is accurate and that you are abiding by all of the relevant regulations.

[FR Doc. 02–28326 Filed 11–8–02; 8:45 am]
BILLING CODE 6712–01–C

FEDERAL ELECTION COMMISSION

Sunshine Act Notices

AGENCY: Federal Election Commission.

DATE AND TIME: Thursday, November 14, 2002, at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

The following item has been withdrawn from the Agenda: Final Audit Report—Campbell for Senate.

PERSON TO CONTACT FOR INFORMATION: Ron Harris, Press Officer, telephone (202) 694-1220.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. 02–28762 Filed 11–7–02; 12:12 pm]

BILLING CODE 6715–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Title: Exemption of State-Owned Properties Under Self-Insurance Plan.

Type of Information Collection: Extension of a currently approved collection.

OMB Number: 3067–0127.

Abstract: Section 102(C) of the Flood Disaster Protection Act of 1973 enables The Federal Insurance Administration (FIA) to grant a State having an adequate plan of self-insurance for its State-owned buildings an exemption from the insurance purchase requirements of the 1973 Act. 44 CFR Part 75 establishes standards with respect to the Administrator's determinations that a State's plan of self-insurance is adequate and satisfactory for the purpose of the Act, from the requirement of purchasing flood insurance coverage, for State-owned structures and their contents in areas identified by the Administrator as A, AO, AH, A1–A30, AE, A99, M, V, VO, V1–V30, VE and E zones, in which the sale of insurance has been made available, and to establish the procedures by which a State may request exemption under Section 102 (C).

Affected Public: States, Local, or Tribal Government.

Number of Respondents: 20.

Estimated Time per Respondent: 5 hours.

Estimated Total Annual Burden Hours: 100 hours.

Comments: Interested persons are invited to submit written comments on the proposed information collection to the Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 within 30 days of the date of this notice.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, Chief, Records Management Branch, Information Resources Management Division, Information Technology Services Directorate, Federal Emergency Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472, telephone number (202) 646–2625, facsimile number (202) 646–3347, or e-mail address: *informationcollection@fema.gov.*

Dated: October 30, 2002.

Edward W. Kernan,

Division Director, Information Resources Management Division, Information Technology Services Directorate.

[FR Doc. 02–28619 Filed 11–8–02; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Title: Write Your Own Program (WYO) Company Participation Criteria; New Applicants.

Type of Information Collection: Extension of a currently approved collection.

OMB Number: 3067–0259.

Abstract: Under the Write Your Own Program, private sector insurance companies may offer flood insurance to eligible property owners. The Federal Government is a guarantor of flood insurance coverage for WYO Companies, issued under the WYO arrangement. To determine eligibility for participation in the WYO, the National Flood Insurance Program is requiring a one-time submission demonstrating their qualification for participation from each new company seeking entry into the Program.

Affected Public: Business or other for profit.

Number of Respondents: 5.

Estimated Time per Respondent: 7 hrs.

Estimated Total Annual Burden Hours: 35 hrs.

Frequency of Response: Once.

Comments: Interested persons are invited to submit written comments on the proposed information collection to the Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 within 30 days of the date of this notice.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, Chief, Records Management Branch, Information Resources Management Division, Information Technology Services Directorate, Federal Emergency Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472, telephone number (202) 646–2625, facsimile number (202) 646–3347, or e-mail address: *informationcollections@fema.gov.*

Dated: October 30, 2002.

Edward W. Kernan,

Division Director, Information Resources Management Division, Information Technology Services Directorate.

[FR Doc. 02–28620 Filed 11–8–02; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Title: Federal Assistance for Offsite Radiological Emergency Planning.

Type of Information Collection: Extension of a currently approved collection.

OMB Number: 3067–0201.

Abstract: FEMA requires information from a commercial nuclear power plant licensee who seeks certification under Federal assistance, when a ''decline or fail'' situation exists at a commercial nuclear power plant site. The certification request is in the form of a letter from the licensee chief executive officer. When the licensee request federal facilities or resources, FEMA will notify the Nuclear Regulatory Commission (NRC) to request advice or assistance as to whether or not a the licensee made maximum use of its resources and is in compliance with federal regulations.

Affected Public: Business or other for-profit.

Number of Respondents: One.

Estimated Time per Respondent: 160 hours.

Estimated Total Annual Burden Hours: 160 hours.

Frequency of Response: As needed.

Comments: Interested persons are invited to submit written comments on the proposed information collection to the Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 within 30 days of the date of this notice.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, Chief, Records Management Branch, Information Resources Management Division, Information Technology Services Directorate, Federal Emergency Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472. Facsimile number (202) 646–3347, or e-mail *InformationCollections@fema.gov.*

Dated: October 31, 2002.

Edward W. Kernan,

Division Director, Information Resources Management Division, Information Technology Services Directorate.

[FR Doc. 02–28621 Filed 11–8–02; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency is submitting a request for review and approval of a new collection of information under the emergency processing procedures in the Office of Management and Budget (OMB) regulation 5 CFR 1320.13. FEMA is requesting the collection of information be approved by November 15, 2002, for use through May 15, 2002.

FEMA plans to follow this emergency request with a request for a 3-year approval. The request will be processed under OMB's normal clearance procedures in accordance with the provisions of OMB regulation 5 CFR 1320.10. To help us with the timely processing of the emergency and normal clearance submissions to OMB, FEMA invites the general public to comment on the proposed collection of information. This notice and request for comments is in accordance with the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)).

SUPPLEMENTARY INFORMATION: Announced by President George W. Bush in January 2002, Citizen Corps is currently composed of five national programs: Neighborhood Watch, Volunteers in Police Service, Operation TIPS, Community Emergency Response Teams, and Medical Reserve Corps. There are, however, many ongoing, credible programs that support the Citizen Corps' mission. Providing formal recognition to these programs and similar organizations by affiliating them with Citizen Corps will enable the program to reach its goal of having every American participate in making their communities and families safer. In order to ensure that interested parties appropriately further the Citizen Corps mission, Citizen Corps will request supporting information from those programs and organizations seeking to become affiliates.

Collection of Information

Title: Citizen Corps Affiliate Programs and Organizations Application.

Type of Information Collection: New collection.

OMB Number: 3067–New.

Abstract: Citizen Corps requests information from not-for-profit and governmental groups that would like to support the Citizen Corps program through becoming affiliates. The requested information will ensure that Citizen Corps affiliates only with those programs and organizations capable of supporting its mission.

Affected Public: Not-For-Profit Institutions, and State, Local, and Tribal Governments.

Estimated Total Annual Burden Hours: 80 hours.

Estimated Cost: Estimated cost to the Federal Government: $315.00.

Comments: Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.* permitting electronic submission of responses. Submit comments to the OMB within 30 days of the date of this notice. To ensure that FEMA is fully aware of any comments or concerns that you share with OMB, please provide us with a copy of your comments. FEMA will continue to accept comments for 60 days from the date of this notice.

ADDRESSES: Interested persons should submit written comments to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Desk Officer for the Federal Emergency Management Agency, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, Chief, Records Management Branch, Information Resources Management Division, Information Technology Services Directorate, Federal Emergency Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472. FAX number (202) 646–3524 or by e-mail address: *informationcollections@fema.gov.*

Dated: October 31, 2002.

Edward W. Kernan,

Division Director, Information Resources Management Division, Information Technology Services Directorate.

[FR Doc. 02–28622 Filed 11–8–02; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Title: Inspection of Insured Structures by Communities.

Type of Information Collection: Revision of a currently approved collection.

OMB Number: 3067–0275.

Abstract: The purpose of the inspection procedure and need for the community inspection report is to:

(1) To help the communities of Monroe County, City of Marathon, the Village of Islamorada, Florida, and any other community in Monroe County that incorporates after January 1, 1999, verify and document that post-FIRM structures in their communities comply with the community's floodplain management ordinance; and

(2) To ensure that property owners pay flood insurance premiums commensurate with their flood risk due to the increased exposure to flood damages.

The final rule (published in the **Federal Register** on June 27, 2000, 65 FR 39726) and the interim final rule (published in the **Federal Register** on March 8, 2002, 67 FR 10631) established an inspection procedure in Monroe County, City of Marathon, the Village of Islamorada, Florida and any other community in Monroe County that incorporates after January 1, 1999, that would be built around the flood insurance policy renewal process. The requirement that a building be inspected by the community, as a condition of renewing the flood insurance policy on the building, would only apply to NFIP insured buildings in Special Flood Hazard Areas that are identified as possible violations by the community in which the property is located. The Special Flood Hazard Areas (SFHA) is an area that is based on a flood that would have a 1-pecent chance of being equaled or exceeded in any given year, referred to as the 100-year flood.

Policyholders that have a flood insurance policy with a renewal effective date on and after the implementation date of the pilot inspection procedure would receive, along with their policy renewal notice, an endorsement established in appendices (A)(4), (A)(5), and (A)(6) of 44 CFR part 61. The endorsement would provide that an inspection by the community may be required before a subsequent renewal of the flood insurance policy. Policies issued as new policies after the effective date for implementing the pilot inspection procedure would also contain the endorsement established in appendices (A)(4), (A)(5), and (A)(6). The endorsement amended all flood insurance policies (pre-FIRM and post-FIRM) on buildings in Monroe County, City of Marathon, and the Village of Islamorada, Florida (there are approximately 28,771 flood insurance policies in these communities at the time of this submission). Pre-FIRM insured buildings are included for the endorsement since there may be some policies within this category that should be rated post-FIRM because they were misrated or substantially improved after the effective date of the community's FIRM. A notice describing the purpose of the inspection procedure would accompany the new endorsement to the Standard Flood Insurance Policy regarding the inspection procedure.

Monroe County, City of Marathon, and the Village of Islamorada would identify possible violations and forward the list to FEMA. There are an estimated 2,000–4,000 number of insured buildings within the three communities that may be subject to an inspection based on the identification as possible violations. This estimate was reported to FEMA from the communities. Based on FEMA's review of floodplain development in these communities, FEMA is comfortable with this estimate. Monroe County, City of Marathon, and the Village of Islamorada would identify possible violations through a review of the pre-FIRM and post-FIRM flood insurance policies provided by FEMA and from a visual street inspection of the building, from tax records, and through a review of other documents on file in the community pertaining to the property and through other community procedures. For buildings identified by Monroe County, City of Marathon, and the Village of Islamorada as possible violations, the insurer of the flood insurance policy would send a notice to policyholders approximately six months before the policy expiration date. This notice would state that the policyholder must obtain an inspection from the community and submit the results of the property inspection as part of the renewal of the flood insurance policy by the end of the renewal grade period (30 days after date of the policy expiration). The insurer would send a reminder notice to the policyholder with the renewal notice about 45 to 60 days before the policy expires.

The policyholder would be responsible for contacting the community to arrange for an inspection. The community would inspect the building to determine whether it complies with the community's floodplain management ordinance and document its findings in an inspection report. The community would provide two copies of the inspection report to the policyholder.

If the policyholder obtained a timely inspection and sent the community's inspection report and the renewal premium payment to the insurer by the end of the renewal grace period, the insurer would renew the flood insurance policy whether or not the building has been identified as a violation by the community. The insurer would review the insurance policy for rerating upon review of the community inspection report. If the building was not properly rated to reflect the building's risk of flooding, the policy would be rerated to reflect that risk. If the community's inspection found a violation, the community would undertake an enforcement action in accordance with its floodplain management ordinance.

If the policyholder did not obtain an inspection and submit an inspection report with the renewal premium payment by the end of the renewal grace period (30 days after date of expiration), the flood insurance policy would not be renewed. The insurer would send a notice to the insured that the flood insurance policy expired and cannot be re-issued without the community inspection report.

The communities will not be using a FEMA designed form in documenting the inspection of an insured structure. FEMA consulted with local officials from the communities participating in the inspection procedure on the type of existing building inspection reports they use to implement their floodplain management ordinance and we determined that the current community inspection documents could be used for purposes of implementing the inspection procedure and for purposes of determining whether the building's flood insurance policy needs to be rerated by insurer.

The community inspection report is critical to the effective implementation of the inspection procedure. Without the inspection procedure, the Village of Islamorada, City of Marathon, and Monroe County would continue to have limited ability to inspect properties for illegal enclosures that violate their floodplain management ordinance and as a result, both communities would be unable to undertake appropriate actions to remedy the violations. There are several potential serious consequences if these structures continue to be in

violation of the community's floodplain management ordinance.

Allowing uses other than parking of vehicles, building access, or storage in the enclosed area below the Base Flood Elevation (elevation of the 100-year flood) significantly increases the flood damage potential to the area below the lowest floor of the elevated building. Improperly constructed enclosure walls and utilities can tear away and damage the upper portions of the elevated building exposing the building to greater damage. Improperly constructed enclosures can also result in flood forces being transferred to the elevated portion of the building with the potential for catastrophic damage. If a flood disaster occurs, the impact will go beyond the building itself. If the ground level enclosure is finished with living spaces, there is an increased risk to lives. Residents who live in these ground level enclosures may not be fully aware of the flood risk.

Furthermore, there is limited coverage in this area for elevated post-FIRM buildings, as provided for in the Standard Flood Insurance Policy (SFIP) under article 6—Property Not Covered. This provision of the SFIP, effective since October 1, 1983, limits coverage for enclosures, including personal property contained therein. FEMA does not cover such items as finished enclosure walls, floors, ceilings, and personal property such as rugs, carpets, and furniture. In 1983, FEMA limited the coverage for enclosed areas below elevated buildings due to the financial losses experienced in the NFIP when FEMA provided full coverage in these areas. Consequently, property owners and residents that may live in these lower enclosed areas may have significant uninsured losses in the event of a flood for finished items and contents below the lowest floor.

However, in spite of the limited coverage afforded for these enclosed areas, they do affect the rating of the policy. Because of the increase in flood damage potential to the building resulting from flood forces being transferred to the elevated portion of the building, the damage potential must be recognized in the rates by adding rate loadings based on the size of the enclosure. In addition, the rates must also reflect whether the enclosure contains essential building elements which are covered, namely, sump pumps, well water tanks and pumps, electrical junction and circuit breaker boxes, elevators, natural gas tanks, pumps or tanks related to solar energy, cisterns, stairways and staircases attached to the building, and foundation elements that support the building. The collection of information from the policyholder in the inspection procedure will ensure that the policyholders of buildings with enclosures are paying premiums commensurate with their flood risk.

Along with significant flood damages to the building and the potential for loss of life, the community, the State, and the Federal Government will be faced with costly outlays for flood fighting and rescue operations, response, and recovery as well as taxpayer funded disaster assistance.

Under the inspection procedure, the policyholder will be required to obtain an inspection in order to renew the policy. This will be a one-time collection of information during the period of time for which the inspection procedure is to be implemented. Since the primary purpose of the inspection is to provide communities with a mechanism to ensure compliance with the floodplain management ordinance and for FEMA to verify flood insurance rates, less frequent collection of the information through the inspection report is not possible.

Affected Public: Individuals or households and business or other for-profit.

Number of Respondents: 1,500.

Estimated Time per Respondent:

No. of respondents/type of response	Frequency of response	Burden hours	Total burden hours
4,000 policyholders to receive & read a notice that an inspection is required in order for the flood insurance policy to be renewed. These 4,000 policyholders will also receive a reminder notice about 45–60 days before the policy expires.	1	15 minutes (total for both notices).	1000 hours.
4,000 policyholders contact respective community to arrange for an inspection of the property. Local official inspects the property with the policyholder or his/her designee. (**Note:** in any given year we expect several hundred policyholders to receive the notice and contact their community.) Compliant buildings should take less time to inspect compared to an insured building that is non-compliant.	1	1–2.5 hours*	10,000 hours.
*FEMA has estimated that the amount of time to contact the community to arrange for the inspection and for the policyholder or his/her designee to be available to let the community official into the building to conduct the inspection will range from 1 hour to 2.5 hours.			
4,000 policyholders submit a copy of the inspection report with the renewal premium payment.	1	8 minutes	533 hours.
800 estimated no. of respondents that did not obtain an inspection These respondents will be sent a notice at time of policy expiration that their flood insurance policy expired. (FEMA estimates that less than 20% of the 4,000 respondents will not obtain an inspection and as a result their flood insurance policy will not be renewed.).	1	8 minutes	107 hours.

*Total number of Burden Hours to implement the inspection procedure over a multi-year period: 11,640.

Annual (one-time) total burden hours for each policyholder is approximately: 3 hours.

Total annual burden for approximately 500–700 inspections per year in Monroe County: 2,100 hours.

Total annual burden for approximately 200–400 inspections per year in the Village of Islamorada: 1,200 hours.

Total annual burden for approximately 200–400 inspections per year in City of Marathon: 1,200 hours.

Estimated Total Annual Burden Hours: 4,500 hours.

Frequency of Response: One time.

Comments: Interested persons are invited to submit written comments on

the proposed information collection to the Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 within 30 days of the date of this notice.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, Chief, Records Management Branch, Information Resources Management Division, Information Technology Services Directorate, Federal Emergency Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472. Facsimile number (202) 646–3347, or email address: *informationcollections@fema.gov.*

Dated: October 21, 2002.

Edward W. Kernan,

Division Director, Information Resources Management Division, Information Technology Services Directorate.

[FR Doc. 02–28623 Filed 11–8–02; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Title: Application for Participation in the National Flood Insurance Program.

Type of Information Collection: Extension of a currently approved collection.

OMB Number: 3067–0020.

Abstract: The NFIP provides flood insurance to communities that apply for participation and make a commitment to adopt and enforce land use control measures that are designed to protect development from future flood damages. The application form will enable FEMA to continue to rapidly process new community applications to join the NFIP and to thereby more quickly provide flood insurance protection to the residents of the communities. Participation in the NFIP is mandatory in order for flood related Presidentially-declared communities to receive Federal disaster assistance.

Affected Public: State, Local or Tribal Governments.

Number of Respondents: 100.

Estimated Time per Respondent: 4 hours.

Estimated Total Annual Burden Hours: 400 hours.

Frequency of Response: Once per respondent.

Comments: Interested persons are invited to submit written comments on the proposed information collection to the Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 within 30 days of the date of this notice.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, Chief, Records Management Branch, Information Resources Management Division, Information Technology Services Directorate, Federal Emergency Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472, facsimile number (202) 646–3347, or email address: *InformationCollections@fema.gov.*

Dated: October 31, 2002.

Edward W. Kernan,

Division Director, Information Resources Management Division, Information Technology Services Directorate.

[FR Doc. 02–28624 Filed 11–8–02; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Title: Post Construction Elevation Certificate/Flood Proofing Certificate.

Type of Information Collection: Revision of a currently approved collection.

OMB Number: 3067–0077.

Abstract: The Elevation Certificate and Flood Proofing Certificate are adjuncts to the application for flood insurance. The certificates are required for proper rating of post Flood Insurance Rate Map (FIRM) structures, which are buildings constructed after publication of the FIRM, for flood insurance in Special Flood Hazard Areas. In addition, the Elevation Certificate is needed for pre-FIRM structures being rated under post-FIRM flood insurance rules. The certificates provide community officials and others standardized documents to readily record needed information.

The certificates are supplied to insurance agents, community officials, surveyors, engineers, architects, and NFIP policyholders/applicants. The community officials or other professionals provided the elevation data required to document conformance with floodplain management regulations and for the applicants so that actuarial insurance rates can be charged for insuring property against the flood hazard.

Affected Public: Individuals or households, business or other for-profit, not-for-profit institutions, farms, and state, local or tribal government.

Number of Respondents: 54,695.

Estimated Time per Respondent: FEMA Form 81–31, Elevation Certificate 3 hours and FEMA Form 81–65, Flood Proofing Certification, 3.25 hours, CD Training Module, .25 hour.

Estimated Total Annual Burden Hours: 177,756.

Frequency of Response: One certificate is required per structure.

Comments: Interested persons are invited to submit written comments on the proposed information collection to the Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 within 30 days of the date of this notice.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, Branch Chief, Records Management, Information Resources Management Division, Information Technology Services Directorate, Federal Emergency Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472. Facsimile number (202) 646–3347, or email *InformationCollections@fema.gov.*

Dated: October 31, 2002.

Edward W. Kernan,

Division Director, Information Resources Management Division, Information Technology Services Directorate.

[FR Doc. 02–28625 Filed 11–8–02; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center Web site 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 December 6, 2002.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. Bridge Street Financial, Inc., Oswego, New York; to become a bank holding company by acquiring 100 percent of the voting shares of Oswego County National Bank, Oswego, New York.

Board of Governors of the Federal Reserve System, November 5, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–28570 Filed 11–8–02; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL TRADE COMMISSION

Public Hearings: Health Care and Competition Law and Policy

AGENCY: Federal Trade Commission.

ACTION: Notice of public hearings and opportunity for comment.

SUMMARY: The Federal Trade Commission (''FTC'' or ''Commission'') announces it will hold approximately twenty-five days of hearings, beginning in February 2003, on the subject of ''Health Care and Competition Law and Policy.'' The Commission held a two-day workshop on health care and competition law and policy on September 9–10, 2002. That workshop demonstrated the range and complexity of issues arising from the intersection of health care and competition law and policy (including consumer protection law and policy), and revealed a diversity of views on the appropriate role and priorities for the Commission and other law enforcement agencies in this important area of the economy.

The Commission has determined that further inquiry will help inform the framing and implementation of competition law and policy as applied to health care. The hearings will focus in greater depth on some of the issues raised during the September 2002 workshop, and will also review and analyze the application of competition law and policy to health care more broadly. The hearings may consider a range of subjects, including, but not limited to, hospital mergers, geographic and product markets (including issues unique to rural health care markets), the significance of non-profit provider status, the issues raised by competition from allied health professions, vertical arrangements, and the *Noerr-Pennington* and state action doctrines. The hearings also will explore competitive effects of explicit and implicit contracts for quality, complexities of measuring and disseminating information about health care quality, the impact of existing and anticipated institutional arrangements for the purchase, financing, and delivery of health care services on the cost, quality and availability of such care, and incentives for innovation in health care markets. Finally, the hearings will examine the implications of the Commission's consumer protection mandate with regard to the performance of health care markets, including, but not limited to, the disclosure of costs, risks, and benefits by manufacturers of medical devices and pharmaceuticals (both prescription and over-the-counter), and by providers of professional services in connection with advertising and other forms of information dissemination.

As was noted in the **Federal Register** notice for the September 2002 workshop, the Commission has considerable experience in the application of competition law and policy to health care.[1] The 2003 hearings will assist the Commission by providing timely information from varying perspectives on how competition law and policy affects health care markets and consumer/patient welfare. The goal is to promote dialogue, learning, and consensus building among all interested parties (including, but not limited to, the business, consumer, government, legal, provider, insurer, and health policy/health services/health economics communities). In addition to officials from the FTC, representatives of the Departments of Justice and Health and Human Services, state attorneys general, providers, academics, consumer representatives, employers, insurers, managed care organizations, and a wide array of other groups will be invited to participate.

The hearings will be held at and administered by the FTC and co-hosted with the Antitrust Division of the Department of Justice. A report will be prepared based on the information obtained at the hearings.

DATES: Specific dates for the hearings will be announced shortly, along with a preliminary agenda. It is anticipated that a full week of hearings will be held during February 2003, with additional dates scheduled during March through October 2003, totaling approximately twenty-five days of hearings. Any interested person may submit written comments responsive to any of the topics addressed during the hearings. Comments directed at a particular subject considered during a particular session of hearings must be submitted no later than 45 days after the date of that specific hearing session. Comments on broader subjects within the general scope of the hearings may be submitted at any time after the publication of this notice, but no later than November 28, 2003.

ADDRESSES: When in session, the majority of the hearings will be held in Room 432 at the FTC headquarters, 600 Pennsylvania Avenue, NW., Washington, DC If it is determined that a hearing needs to take place outside of Washington, DC, a notice of the change

[1] Federal Trade Commission, ''Notice of Public Workshop and Opportunity For Comment,'' 67 FR 47365 (July 18, 2002), available at *http://www.ftc.gov/os/2002/07/healthcarefrn.htm.*

of location will be published. All parties are welcome to attend.

Written comments should be submitted in both hard copy and electronic form. Six hard copies of each submission should be addressed to Donald S. Clark, Office of the Secretary, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Submissions should be captioned ''Comments Regarding Health Care and Competition Law and Policy.'' Electronic submissions may be sent by electronic mail to *healthcare@ftc.gov.* Alternatively, electronic submissions may be filed on a 3½ inch computer disk with a label on the disk stating the name of the submitter and the name and version of the word processing program used to create the document.

FOR FURTHER INFORMATION CONTACT: David Hyman, Special Counsel, Office of General Counsel, 600 Pennsylvania Avenue, NW., Room 407, Washington, DC 20580; telephone 202–326–2622; e-mail: *dhyman@ftc.gov.* Detailed agendas for the hearings will be available on the hearing web page (accessible through the FTC home page) and through Angela Wilson, Staff Assistant, at 202–326–3190 shortly before each hearing is held.

SUPPLEMENTARY INFORMATION: As the **Federal Register** notice issued for the September 2002 workshop explained, the relationship between health care and competition law and policy has tremendous significance for the United States economy and consumer/patient welfare. The economic significance of health care is enormous and will become even more so in the coming years. Consumer/patient welfare is maximized by a health care system that efficiently delivers to Americans the services they desire.

The Commission, with its dual competition and consumer protection oversight authority, has an important role to play in maintaining an efficient health care system that satisfies consumer/patient needs. Antitrust analysis traditionally has focused on restrictions to price competition. Competition routinely takes place, however, on both price and non-price parameters. Some have suggested that antitrust enforcement has given insufficient weight to non-price competition. Others have questioned whether antitrust enforcers have the right tools with which to assess non-price competition. Some have asserted that the introduction of more competition into health care markets would improve consumer welfare. Others have responded that competition policy must co-exist with other complicated laws and policies, some of which are regulatory by necessity.

The breadth, complexity, and multi-variable nature of issues such as these has led the Commission to expand upon the September 2002 workshop, and hold these multi-day, multi-topic hearings.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 02–28648 Filed 11–8–02; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

[File No. 002 3211]

Robert M. Currier; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before November 21, 2002.

ADDRESSES: Comments filed in paper form should be directed to: FTC/Office of the Secretary, Room 159-H, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Comments filed in electronic form should be directed to: *consentagreement@ftc.gov,* as prescribed below.

FOR FURTHER INFORMATION CONTACT: James Dolan or Lemuel Dowdy, FTC, Bureau of Consumer Protection, 600 Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326–3292 or 326–2981.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and section 2.34 of the Commission's Rules of Practice, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for November 5, 2002), on the World Wide Web, at *http://www.ftc.gov/os/2002/11/index.htm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

Public comments are invited, and may be filed with the Commission in either paper or electronic form. Comments filed in paper form should be directed to: FTC/Office of the Secretary, Room 159–H, 600 Pennsylvania Avenue, NW., Washington, D.C. 20580. If a comment contains nonpublic information, it must be filed in paper form, and the first page of the document must be clearly labeled ''confidential.'' Comments that do not contain any nonpublic information may instead be filed in electronic form (in ASCII format, WordPerfect, or Microsoft Word) as part of or as an attachment to email messages directed to the following email box: *consentagreement@ftc.gov.* Such comments will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with section 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from Dr. Robert M. Currier (the ''proposed respondent''). This matter concerns claims Dr. Currier made infomercials for a purported anti-snoring product called SNORenz.

The proposed consent order has been placed on the public record for thirty (30) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

SNORenz is a dietary supplement consisting of oils and vitamins that is sprayed on the back of the throat of persons who snore. The Commission's complaint charges that Dr. Currier failed to have a reasonable basis for claims, which he made in infomercials for SNORenz, about the product's efficacy in (1) reducing or eliminating snoring or the sounds of snoring, (2) reducing or eliminating snoring or the sounds of snoring for six to eight hours, and (3)

treating the symptoms of sleep apnea. Dr. Currier is also charged with making false claims that clinical proof establishes the efficacy of SNORenz. Further, the complaint alleges that the proposed respondent failed to disclose that the product is not intended to treat sleep apnea; that sleep apnea is a potentially life-threatening disorder characterized by loud snoring, frequent interruptions of sleep, and daytime tiredness; and that persons experiencing those symptoms should seek medical attention. In addition, the complaint alleges that, when Dr. Currier made claims about SNORenz' efficacy, he failed to have a reasonable basis for such claims consisting of an actual exercise of his represented expertise in the causes and treatment for snoring. Finally, the complaint alleges that the proposed respondent failed to disclose adequately that a material connection existed between himself and the product's manufacturer and marketer, Med Gen, Inc.

Part I of the consent order requires that Dr. Currier possess competent and reliable scientific evidence to substantiate representations that SNORenz or any other food, drug, or dietary supplement reduces or eliminates snoring or the sound of snoring; reduces or eliminates snoring or the sound of snoring for any specified period of time through a single application; or eliminates, reduces or mitigates the symptoms of sleep apnea. It also requires that Dr. Currier, when acting as an expert endorser, actually exercise his represented expertise in the form of an examination or testing at least as extensive as an expert in the field would normally conduct.

Part II of the order requires that, for any product Dr. Currier advertises that has not been shown to be effective in the treatment of sleep apnea, he must affirmatively disclose, whenever the advertisement represents that the product is effective in reducing or eliminating snoring or the sounds of snoring, a warning statement about sleep apnea and the need for physician consultation.

Part III of the order requires proposed respondent to substantiate any representation about the benefits, performance, efficacy, or safety of SNORenz or any other product, service or program. If Dr. Currier makes such representations as an expert endorser, he must possess substantiation in the form of an examination or testing at least as extensive as an expert in the field would normally conduct. Part IV prohibits false claims about scientific support for any product, service, or program. Part V requires that Dr. Currier disclose any material connection between himself and any product, program or service he endorses. Parts VI and VII of the proposed order permit proposed respondent to make certain claims for drugs or dietary supplements, respectively, that are permitted in labeling under laws and/or regulations administered by the U.S. Food and Drug Administration.

The remainder of the proposed order contains standard requirements that respondent maintain advertising and any materials relied upon as substantiation for any representation covered by substantiation requirements under the order, notify the Commission of any change in his employment, and file one or more reports detailing its compliance with the order. Part XI of the proposed order is a provision whereby the order, absent certain circumstances, terminates twenty years from the date of issuance.

The purpose of this analysis is to facilitate public comment on the proposed order, and is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

This proposed order, if issued in final form, will resolve the claims alleged in the complaint against the named respondent. It is not the Commission's intent that acceptance of this consent agreement and issuance of a final decision and order will release any claims against any unnamed persons or entities associated with the conduct described in the complaint.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 02–28649 Filed 11–8–02; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00D–1540]

Draft Guidance for Industry on Electronic Records; Electronic Signatures, Electronic Copies of Electronic Records; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled ''Guidance for Industry, 21 CFR Part 11; Electronic Records; Electronic Signatures, Electronic Copies of Electronic Records.'' This draft guidance describes the agency's current thinking on issues pertaining to furnishing FDA with electronic copies of electronic records that are subject to part 11. Part 11 requires persons to employ procedures and controls for records subject to part 11 that include the ability to generate electronic copies of electronic records that are accurate, complete, and suitable for FDA inspection, review, and copying. This requirement helps ensure that electronic records and electronic signatures are trustworthy, reliable, and compatible with FDA's public health responsibilities.

DATES: Submit written or electronic comments on the draft guidance by February 10, 2003. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Compliance Information and Quality Assurance (HFC–240), Office of Enforcement, 5600 Fishers Lane, Rockville, MD 20857. Send one self-addressed adhesive labels to assist that office in processing your requests.

Submit written comments on the draft guidance document to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, room 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*. *See* the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Paul J. Motise, Office of Enforcement (HFC–240), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–0383, e-mail: *pmotise@ora.fda.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance entitled ''Guidance for Industry, 21 CFR part 11; Electronic Records; Electronic Signatures, Electronic Copies of Electronic Records.'' In the **Federal Register** of March 20, 1997 (62 FR 13430), FDA published a regulation providing criteria under which the agency considers electronic records and electronic signatures to be trustworthy, reliable, and generally equivalent to paper records and handwritten signatures executed on paper (''part 11''). The preamble to part 11 (21 CFR part 11) stated that the agency anticipated issuing supplemental guidance documents and would afford all interested parties the opportunity to

comment on draft guidance documents. Therefore, FDA is making this draft guidance available for public comment.

The draft guidance addresses issues pertaining to providing FDA with electronic copies of electronic records subject to part 11 that are accurate, complete, and suitable for FDA inspection, review, and copying. Part 11 requires persons to be able to furnish FDA with electronic copies of electronic records that are subject to part 11. This draft guidance is intended to assist people who must meet this requirement; it may also assist FDA staff who apply part 11 to persons subject to the regulation. However, this draft guidance is not intended to address issues related to electronic records that are submitted to FDA but that are not required to be maintained.

The draft guidance provides specific information on key principles and practices on electronic copies of electronic records, and it addresses some frequently asked questions. However, it is not intended to cover every aspect of generating electronic copies of electronic records that are accurate, complete, and suitable for FDA inspection, review and copying.

This level 1 draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). This draft guidance, when finalized, will represent the agency's current thinking on providing FDA with electronic copies of electronic records. 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

Interested persons may submit to the Dockets Management Branch (*see* **ADDRESSES**) written or electronic comments on the draft guidance. Two copies of any nonelectronic comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. A copy of the draft guidance 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/ohrms/dockets/dockets/dockets.htm*.

Dated: October 28, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02–28551 Filed 11–8–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 02D–0011]

Medical Devices; Class II Special Controls Guidance Document: Intraoral Devices for Snoring and/or Obstructive Sleep Apnea; Guidance for Industry and FDA; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the guidance entitled ''Class II Special Controls Guidance Document: Intraoral Devices for Snoring and/or Obstructive Sleep Apnea; Guidance for Industry and FDA.'' This document provides recommendations for complying with the premarket notification requirements for these devices. Elsewhere in this issue of the **Federal Register**, FDA is publishing a final rule to classify these devices.

DATES: Submit written or electronic comments on the guidance at any time. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies on a 3.5″ diskette of the guidance entitled ''Class II Special Controls Guidance Document: Intraoral Devices for Snoring and/or Obstructive Sleep Apnea; Guidance for Industry and FDA'' to the Division of Small Manufacturers, International, and Consumer Assistance (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send two self-addressed adhesive labels to assist that office in processing your request, or fax you request to 301–443–8818. See the **SUPPLEMENTARY INFORMATION** section for information on electric access to the guidance.

Submit written comments concerning this guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Comments should be identified with the docket number found in the brackets in the heading of this document. Submit electronic comments to *http://www.fda.gov/dockets/ecomments.*

FOR FURTHER INFORMATION CONTACT: Susan Runner, Center for Devices and Radiological Health (HFZ–480), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–827–5283.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of April 5, 2002 (67 FR 16406), FDA announced the availability of this draft guidance document and invited interested persons to comment on it by July 5, 2002. Also in the **Federal Register** of April 5, 2002 (67 FR 16338), FDA proposed to classify intraoral devices used to control or treat simple snoring and/or obstructive sleep apnea into class II with this guidance document as the special control. This guidance supersedes the draft guidance entitled ''Class II Special Controls Guidance Document: Intraoral Devices for Snoring and Obstructive Sleep Apnea; Guidance for Industry and FDA.''

FDA received one comment on the draft guidance from the National Association of Dental Laboratories. We considered this comment and agree that the guidance does not change the regulatory requirements for dental laboratories. We also revised the guidance to clarify how a manufacturer may submit an abbreviated 510(k) when relying on a class II special controls guidance document.

II. Significance of Guidance

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). This guidance represents the agency's current thinking on 510(k) submissions for intraoral devices for snoring and/or obstructive sleep apnea. 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 statute and regulations.

III. Electronic Access

In order to receive ''Class II Special Controls Guidance Document: Intraoral Devices for Snoring and/or Obstructive Sleep Apnea; Guidance for Industry and FDA'' via your fax machine, call the CDRH Facts-On-Demand system at 800–899–0381 or 301–827–0111 from a touch-tone telephone. Press 1 to enter the system. At the second voice prompt press 1 to order a document. Enter the document number (1378) followed by the pound sign (#). Follow the remaining voice prompts to complete your request.

Persons interested in obtaining a copy of the guidance may also do so using the Internet. CDRH maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with Internet access. Updated on a regular basis, the CDRH home page includes device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of approved applications and manufacturers' addresses), small manufacturers' assistance, information on video conferencing and electronic submissions, Mammography Matters, and other device-oriented information. The CDRH home page may be accessed at *http://www.fda.gov/cdrh.* A search capability for all CDRH guidance documents is available at *http://www.fda.gov/cdrh/guidance.html.* Guidance documents are also available on the Dockets Management Branch Internet site at *http://www.fda.gov/ohrms/dockets.*

IV. Comments

Interested persons may submit to the Dockets Management Branch (see **ADDRESSES**) written or electronic comments regarding this guidance at any time. Two copies of any comments are to be submitted, except that individuals may submit one copy. Identify comments with the docket number found in brackets in the heading of this document. The guidance document and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 28, 2002.

Linda S. Kahan,

Deputy Director, Center for Devices and Radiological Health.

[FR Doc. 02–28550 Filed 11–8–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year 2003 Funding Opportunities

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of Funding Availability for Knowledge Dissemination Conference Grants (Short Title: SAMHSA Conference Grants—PA 03–002).

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS), Center for Substance Abuse Prevention (CSAP) and Center for Substance Abuse Treatment (CSAT) announce the availability of Fiscal Year (FY) 2003 funds for grants for the following activity. This notice is not a complete description of the activity; potential applicants must obtain a copy of the Program Announcement (PA), including Part I, Knowledge Dissemination Conference Grants (Short Title: SAMHSA Conference Grants—PA 03–002), and Part II, General Policies and Procedures Applicable to All SAMHSA Applications for Discretionary Grants and Cooperative Agreements, before preparing and submitting an application.

Activity	Application deadline	Est. Funds FY 2003	Est. No. of awards	Project period
Knowledge Dissemination Conference Grants	Jan. 10, 2003 and Sept. 10, 2003 and each Jan. 10 and Sept. 10 thereafter.	$825,000	20–30	3 years

The actual amount available for the award may vary, depending on unanticipated program requirements and the number and quality of applications received. This program is being announced prior to the annual appropriation for FY 2003 for SAMHSA's programs. Applications are invited based on the assumption that sufficient funds will be appropriated for FY 2003 to permit funding of a reasonable number of applications being hereby solicited. This program is being announced in order to allow applicants sufficient time to plan and prepare applications. Solicitation of applications in advance of a final appropriation will also enable the award of appropriated grant funds in an expeditious manner and thus allow prompt implementation and evaluation of promising practices. All applicants are reminded, however, that we cannot guarantee sufficient funds will be appropriated to permit SAMHSA to fund any applications. This program is authorized under sections 509, 520A and 516 of the Public Health Service Act. SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative agreement applications were published in the **Federal Register** (Vol. 58, No. 126, page 35962) on July 2, 1993.

GENERAL INSTRUCTIONS: Applicants must use application form PHS 5161–1 (Rev. 7/00). The application kit contains the two-part application materials (complete programmatic guidance and instructions for preparing and submitting applications), the PHS 5161–1 which includes Standard Form 424 (Face Page), and other documentation and forms. Application kits may be obtained from: National Clearinghouse for Alcohol and Drug Information (NCADI), PO Box 2345, Rockville, MD 20847–2345, Telephone: 1–800–729–6686.

The PHS 5161–1 application form and the full text of the activity are also available electronically via SAMHSA's World Wide Web Home Page: *http://www.samhsa.gov.*

When requesting an application kit, the applicant must specify the particular activity for which detailed information is desired. All information necessary to apply, including where to submit applications and application deadline instructions, are included in the application kit.

Purpose: The Substance Abuse and Mental Health Services Administration (SAMHSA), Center for Mental Health Services (CMHS), Center for Substance Abuse Prevention (CSAP) and Center for Substance Abuse Treatment (CSAT) announce the availability of funds for grants to disseminate knowledge about practices within the mental health services and substance abuse prevention and treatment fields and to integrate that knowledge into real-world practice as effectively and efficiently as possible.

Eligibility: Public and domestic private nonprofit organizations, including State and local governments, professional associations, voluntary organizations, self-help groups, consumer and provider services-oriented constituency groups, community based organizations, and faith-based organizations, may apply

under this PA. Individuals are not eligible to receive grant support for a conference.

Potential applicants who are unsure of eligibility should contact the person responsible for program issues listed below.

Availability of Funds: SAMHSA anticipates that approximately $825,000 ($500,000 from CSAT, $250,000 from CMHS and $75,000 from CSAP) will be available for approximately 20–30 awards in FY 2003. The total funds available and the actual funding levels will depend on the receipt of an appropriation. In this and future years, each Center will contribute a minimum of $75,000, assuming funding is available.

SAMHSA Centers will provide support for up to 75 percent of the total direct costs of planned meetings and conferences. Grant awards are expected to range from $25,000 to $50,000. Indirect costs are not allowed under this program.

Period of Support: Support for only one conference from one Center (CMHS, CSAP or CSAT) may be requested in any application. Only one application per receipt date may be submitted. Support may be requested for up to one year from the date of the award.

Criteria for Review and Funding: General Review Criteria: Competing applications requesting funding under this activity will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures. Review criteria that will be used by the peer review groups are specified in the application guidance material.

Award Criteria for Scored Applications: Applications will be considered for funding on the basis of their overall technical merit as determined through the peer review group and the appropriate National Advisory Council review process. Availability of funds will also be an award criteria. Additional award criteria specific to the programmatic activity may be included in the application guidance materials.

Catalog of Federal Domestic Assistance Number: 93.243.

Program Contact: For questions concerning mental health topics, contact: David Morrissette, DSW, Center for Mental Health Services/SAMHSA, 5600 Fishers Lane, Room 11C–22, Rockville, MD 20857, (301) 443–3653, E-Mail: *dmorriss@samhsa.gov*.

For questions regarding substance abuse treatment topics, contact: Kim Plavsic, Center for Substance Abuse Treatment/SAMHSA, 5515 Security Lane, Suite 840, Rockville, MD 20852, (301) 443–7916, E-Mail: *kplavsic@samhsa.gov*.

For questions concerning substance abuse prevention topics, contact: Boris R. Aponte, Ph.D, CHES, Center for Substance Abuse Prevention/SAMHSA, 5515 Security Lane, Suite 800, Rockville, MD 20852, (301) 443–2290, E-Mail: *baponte@samhsa.gov.*

For questions regarding grants management issues, contact: Steve Hudak, Division of Grants Management, OPS/SAMHSA, Rockwall II, 6th floor, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–9666, E-Mail: *shudak@samhsa.gov*.

Public Health System Reporting Requirements: The Public Health System Impact Statement (PHSIS) is intended to keep State and local health officials apprised of proposed health services grant and cooperative agreement applications submitted by community-based nongovernmental organizations within their jurisdictions. Community-based nongovernmental service providers who are not transmitting their applications through the State must submit a PHSIS to the head(s) of the appropriate State and local health agencies in the area(s) to be affected not later than the pertinent receipt date for applications. This PHSIS consists of the following information:

a. A copy of the face page of the application (Standard form 424).

b. A summary of the project (PHSIS), not to exceed one page, which provides:

(1) A description of the population to be served.

(2) A summary of the services to be provided.

(3) A description of the coordination planned with the appropriate State or local health agencies.

State and local governments and Indian Tribal Authority applicants are not subject to the Public Health System Reporting Requirements. Application guidance materials will specify if a particular FY 2003 activity is subject to the Public Health System Reporting Requirements.

PHS Non-use of Tobacco Policy Statement: The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

Executive Order 12372: Applications submitted in response to the FY 2003 activity listed above are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR Part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State's review process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application guidance materials. The SPOC should send any State review process recommendations directly to: Division of Extramural Activities, Policy, and Review, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857.

The due date for State review process recommendations is no later than 60 days after the specified deadline date for the receipt of applications. SAMHSA does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Dated: November 5, 2002.

Richard Kopanda,

Executive Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 02–28809 Filed 11–7–02; 12:56 pm]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4456–N–23]

Privacy Act of 1974; Notice of Amended Systems of Records

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice; Proposed amendment to eight existing Privacy Act systems of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, as amended (5 U.S.C. 552a), the Department is amending eight Privacy Act systems of records. The major revisions to these systems are the addition of new routine use disclosures. Additionally, the revisions expand the description of the

categories of records and individuals in the systems and reflect changes in the systems' name, location and new system managers resulting from organizational changes and restructuring. The eight amended systems are: HUD/Dept-46, HUD/H–7, HUD/H–5, HUD/Dept-10, HUD/H–6, HUD/Dept-20, HUD/Dept-43 and HUD/Dept-4. The specific revisions made in each system of records follow. HUD/H–7 was revised to amend the name of the system, change the storage and retrievability policies and to indicate a new system manager. HUD/Dept-46 was amended to revise the system name and location, expand the categories of individuals and records in the system, and to add four new routine use disclosures. HUD/H–5 was revised to expand the categories of individuals and records covered by the system, change the location of the system, change the retention and disposal, reflect a new system manager and to add four new routine use disclosures. HUD/H–6 has been amended to change the system's name and location, to add ten new routine use disclosures and to reflect the name of the new system manager. The following changes were made to HUD/Dept-20: seven new routine use disclosures were added, the system name and location was changed, revised the categories of records, a new system manager was added, and changes were made to the retention and disposal. HUD/Dept-10 reflects changes in the system's name and location, a new system manager, and the addition of five new routine use disclosures. HUD/Dept-43 has been amended to include a new routine use disclosure, changes were made to the system's name, storage and retention practices, and the name of the system manager was revised. Finally, HUD/Dept-4 was revised to change the name and location of the system, to add a new routine use disclosure, and to add the name of the new system manager. All of the systems of records are published in their entirety below.

EFFECTIVE DATE: This action shall be effective without further notice on December 12, 2002 unless comments are received during or before this period that would result in a contrary determination.

Comment Due Date: December 12, 2002.

ADDRESSEES: Interested persons are invited to submit comments regarding these amended systems of records to the Rules Docket Clerk, Office of General Counsel, and room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–0500. Communications should refer to the above docket number and title. An original and four copies of comments should be submitted. Facsimile (FAX) comments are not acceptable. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: Jeanette Smith, Departmental Privacy Act Officer, Telephone Number (202) 708–2374. (This is not a toll-free number). A telecommunications device for hearing- and speech-impaired persons (TTY) is available at 1–800–877–8339 (Federal Information Relay Services). (This is a toll-free number).

SUPPLEMENTARY INFORMATION: Pursuant to the Privacy Act of 1974 (5 U.S.C. 5552a), as amended notice is given that HUD proposes to amend eight systems of records.

Title 5 U.S.C. 552a(e)(4) and (11) provide that the public be afforded a 30-day period in which to comment on the changes to the systems of records.

The amended system report was submitted to the Office of Management and Budget (OMB), the Senate Committee on Governmental Affairs, and the House Committee on Government Operations pursuant to paragraph 4c of Appendix 1 to OMB Circular A–130, ''Federal Responsibilities for Maintaining Records About Individuals,'' July 25, 1994; 59 FR 37914.

Accordingly, the eight amended systems of records are published in their entirety below.

Authority: 5 U.S.C. 552a 88 Stat. 1896; 342 U.S.C. 3535(d).

Dated: October 31, 2002.

Gloria R. Parker,

Chief Technology Officer.

HUD/H–7

SYSTEM NAME:

Previous Participation Review System (PPRS F19), and Active Partners Performance System (APPS F24P) Previous Participation Files.

SYSTEM LOCATION:

HUD Headquarters and field offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Principals (owners, general contractors, management agents, consultants and packagers) in HUD multifamily housing programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information concerning the Department's consideration/approval/disapproval of HUD multifamily housing program principals, including names and Social Security Numbers of principals; lists of prior HUD projects; summaries of financial, management, or operational difficulties with prior HUD projects (if any); indication of whether principals are or have been the subject of a government investigation; other information relevant to the standards for previous participation approval; minutes of deliberative meetings. Both F19 and F24P contain flags and the reason for the flag on an external individual or company participant.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 7(d), Department of HUD Act, 79 Stat. 670, (42 U.S.C. 3535(d)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, other routine uses are as follows: To state and local governments participating in HUD housing programs as co-insurers or finance agencies—to assist in project application reviews.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper support files are stored in file folders in locked filing cabinets in a secure room. F19 runs on the UNISYS system and F24P runs on a LAN SERVER. It is an Internet/Intranet application.

RETRIEVABILITY:

Name of principal and HUD project case number. F19 is retrievable by Name and Project Number. F24P is retrievable by Name, SSN, Tax ID, Property Name, and Project Number.

SAFEGUARDS:

Files are kept in locked filing cabinets in a secure room. Access is limited to authorized personnel. F19 is accessible by Authorized personnel in the Field Offices and Headquarters. F24P is accessible by authorized Business Partners (for each individual's information only), Field Office Staff and Headquarters Staff.

RETENTION AND DISPOSAL:

Records are primarily active; disposal is in accordance with HUD Handbook 2225.6 REV–1 on disposition of records.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Business Performance Review Division, HRDP, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the Headquarters location, in accordance with 24 CFR part 16. This location is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR part 16. If additional information or assistance is required, contact the Privacy Act Officer at the Headquarters location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR part 16. If additional information or assistance is needed in relation to contesting the contents of records, it may be obtained by contacting the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A. If additional information or assistance is needed in relation to appeals of initial denials, it may be obtained by contacting the HUD Departmental Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410.

RECORD SOURCE CATEGORIES:

Subject individuals; HUD Field Offices; other governmental agencies.

EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT:

None.

HUD/DEPT–46

SYSTEM NAME:

Single Family Insured Case Files.

SYSTEM LOCATION:

HUD Headquarters and Single Family Homeownership Centers in Atlanta, Denver, Philadelphia, and Santa Ana.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have obtained a mortgage under HUD/FHA's single family mortgage insurance programs. Also, individuals who unsuccessfully applied for an insured mortgage requiring processing by HUD underwriters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain identifying information about applicants, such as name, Social Security Number, and current address; and records commonly used to determine the credit-worthiness of a potential borrower, such as income and employment information, and credit bureau reports. In addition, the files may contain appraisal and inspection reports, sales agreement, conditional and firm commitments, underwriting worksheets, HUD–1, mortgage note and deed of trust, insurance documents, and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Housing Act as amended (12 U.S.C. 1702 et seq.)

The information collection enables HUD/FHA to process applications for HUD mortgage insurance and respond to inquiries regarding applications and insured mortgages.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act other routine uses include:

(a) To the Department of Veteran Affairs for information on veterans' participation.

(b) To complainants and attorneys representing them to review complainant files for status and information.

(c) To the person or firm complained about—for resolution of the complaint.

(d) To Congressional delegations to provide information concerning status of complaints.

(e) To the FBI to investigate possible fraud revealed in underwriting, insuring or monitoring.

(f) To Department of Justice for prosecution of fraud revealed in underwriting, insuring or monitoring.

(g) To General Accounting Office (GAO) for audit purposes.

(h) To financial institutions and computer software companies for automated underwriting, credit scoring and other risk management evaluation studies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in file folders (automated systems containing data from these files are described in separate system of records notices).

RETRIEVABILITY:

Records are retrieved by case file number.

SAFEGUARDS:

Insured case files are shipped to a Federal Records Center within days of receipt at HUD for insurance endorsement processing; retrieval is limited to authorized personnel. Rejected case files and cases in processing are maintained in secure office space with access limited to authorized personnel.

RETENTION AND DISPOSAL:

Insured case files are retained for 12 years and rejected cases are retained for one year. Obsolete records are destroyed in accordance with HUD Handbook 2225.6, Records Disposition Management; HUD Records Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Insured Single Family Housing, HUA, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about the existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR part 16. If additional information or assistance is needed in relation to contesting the contents of records, it may be obtained by contacting the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A. If additional information or assistance is needed in relation to appeals of initial denials, it may be obtained by contacting the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410.

RECORD SOURCE CATEGORIES:

Subject individuals, current and previous employers, credit bureaus and financial institutions, corporations and firms and federal and non-federal government agencies.

EXEMPTIONS FOR CERTAIN PROVISIONS OF THE ACT:

None.

HUD/H–5

SYSTEM NAME:

Single Family Computerized Homes Underwriting Management System (CHUMS).

SYSTEM LOCATION:

HUD Headquarters and Single Family Homeownership Centers in Atlanta, Denver, Philadelphia, and Santa Ana.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have obtained a mortgage insured under HUD/FHA's single family mortgage insurance programs and individuals who unsuccessfully applied for an insured mortgage.

Also, individuals involved in the HUD/FHA single-family underwriting process (builders, fee appraisers, fee inspectors, mortgagee staff appraisers, mortgagee staff underwriters) and HUD employees involved in the single family underwriting process (*e.g.*, staff appraisers, staff mortgage credit examiners, architectural employees, receiving clerks, assignment clerks, commitment clerks, records clerks, and closing clerks).

CATEGORIES OF RECORDS IN THE SYSTEM:

Automated files contain name, address, Social Security Number or other identification number; racial/ethnic background, if disclosed, of the mortgagor and information about the mortgage loan. These records also contain the name, address, Social Security Number or other identification number, territory, workload, and minority data (including racial/ethnic background, Minority Business Enterprise (MBE) Code, and sex, for statistical tracking purposes) of builders, fee appraisers, and fee inspectors. These records will further contain the name and identifying number of each mortgagee staff appraiser and each mortgagee staff underwriter and the territory and workload of those individuals. Additionally, the automated files contain identification (name and social security or other identifying number) of HUD employees involved in the single family underwriting process (Homeownership Center managers, staff appraisers, architectural employees, receiving clerks, assignment clerks, commitment clerks, records clerks, and closing clerks).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 203, National Housing Act, Pub. L.L 73–479.

The information collection enables HUD/FHA to process applications for HUD mortgage insurance and respond to inquiries regarding applications and insured mortgages.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act other routine uses include:

(a) To other agencies; such as, Departments of Agriculture, Education and Veterans Affairs, and the Small Business Administration—for use of HUD's Credit Alert Interactive Voice Response System (CAIVRS) to prescreen applicants for loans or loans guaranteed by the Federal Government to ascertain if the applicant is delinquent in paying a debt owed to or insured by the Government.

(b) To the FBI to investigate possible fraud revealed in underwriting, insuring or monitoring.

(c) To Department of Justice for prosecution of fraud revealed in underwriting, insuring or monitoring.

(d) To General Accounting Office (GAO) for audit purposes.

(e) To financial institutions and computer software companies for automated underwriting, credit scoring and other risk management evaluation studies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic tape/disc/drum.

RETRIEVABILITY:

Records are retrieved by name, Social Security Number or other identification number.

SAFEGUARDS:

Automated records are maintained in secured areas. Access is limited to authorized personnel.

RETENTION AND DISPOSAL:

Computerized records of insured cases are retained for 10 years and those on rejected cases are retained for 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Home Mortgage Insurance Division, HUAH, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location in accordance with 24 CFR part 16. A list of all locations is given in appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) In relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410.

RECORD SOURCE CATEGORIES:

Mortgagors, appraisers, inspectors, builders, mortgagee staff appraisers, mortgagee staff underwriters, and HUD employees.

EXEMPTIONS FOR CERTAIN PROVISIONS OF THE ACT:

None.

HUD/DEPT–10

SYSTEM NAME:

Single Family Construction Complaints Files.

SYSTEM LOCATION:

HUD Headquarters and Single Family Homeownership Centers in Atlanta, Denver, Philadelphia, and Santa Ana.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Mortgagors of insured single family homes that have filed construction complaints with HUD.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaints regarding construction and defects; inspection reports; records of complaint status and disposition; compliance reports; related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Housing Act, as amended, 12 U.S.C. 1702 *et seq.*

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, other routine uses are as follows:

(a) To complainants and attorneys representing them to review complainant files for status and information.

(b) To the person or firm complained about for resolution of the complaint.

(c) To the Department of Veterans Affairs or the Rural Housing Service for coordination with HUD in processing construction complaints.

(d) To Congressional delegations to provide information concerning status of complaints.

(e) To originating and servicing mortgagees to provide information concerning status of complaint.

(f) To state agencies for investigation.

(g) To the FBI to investigate possible fraud revealed in the course of the complaint review.

(h) To Department of Justice for prosecution of fraud revealed in the course of complaint review.

(i) To IRS for investigation.

(j) To General Accounting Office (GAO) for audit purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name of subject individual; case file number, property location.

SAFEGUARDS:

Records are maintained in lockable file cabinets with access limited to authorized personnel.

RETENTION AND DISPOSAL:

Records are partly current and partly historical; disposal is in accordance with HUD Handbook 2225.6, Records Disposition Management; HUD Records Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Home Mortgage Insurance Division, HUAH, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) In relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410.

RECORD SOURCE CATEGORIES:

Subjects and other individuals, builders and contractors and their current and previous employees, credit bureaus and financial institutions; Federal and non-Federal agencies.

EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT:

None.

HUD/H–6

SYSTEM NAME:

Single Family Section 518 Files (Construction Complaints).

SYSTEM LOCATION:

Headquarters and Single Family Homeownership Centers in Atlanta, Denver, Philadelphia, and Santa Ana.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

HUD insured owners of one-to-four family dwellings who filed claims because of structural or other major defects found in their homes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, home phone number, property inspection report, disposition of claim information and other information pertinent to the claim.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 104, Housing and Urban Development Act of 1970 (Pub. L. 91–609), 12 U.S.C. 1735b.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, other routine uses are as follows:

(a) To complainants and attorneys representing them to review complainant files for status and information.

(b) To the person or firm complained about for resolution of the complaint.

(c) To the Department of Veterans Affairs or the Rural Housing Service for coordination with HUD in processing construction complaints.

(d) To Congressional delegations to provide information concerning status of complaints.

(e) To originating and servicing mortgagees to provide information concerning status of complaint.

(f) To state agencies for investigation.

(g) To the FBI to investigate possible fraud revealed in the course of the complaint review.

(h) To Department of Justice for prosecution of fraud revealed in the course of complaint review.

(i) To IRS for investigation.

(j) To General Accounting Office (GAO) for audit purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name, case number, and claim number.

SAFEGUARDS:

Records are kept in lockable file cabinets with access limited to authorized personnel.

RETENTION AND DISPOSAL:

Records are retained for six years and then disposed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Home Mortgage Insurance Division, HUAH, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) In relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410.

RECORD SOURCE CATEGORIES:

Subject individuals and Departmental records.

EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT:

None.

HUD/DEPT–20

SYSTEM NAME:

Single Family Homeownership Assistance Application and Recertification.

SYSTEM LOCATION:

HUD Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants in Section 235 Homeownership Assistance Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain identifying information about mortgagors, such as name, social security number, and address as well as information on income, assets, and family composition required to determine subsidy payment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Housing Act of 1934, Sec. 235(a)(f) (as amended by sec. 101 of the Housing and Urban Development Act of 1968), 12 U.S.C. 1715z.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, other routine uses are as follows:

(a) To the servicing mortgagee to give notice of miscalculations or other errors in subsidy computation.

(b) To IRS to report subsidy amounts as income.

(c) To title insurance companies or financial institutions for payoff figures.

(d) To the FBI to investigate possible fraud revealed in the course of servicing efforts.

(e) To Department of Justice for prosecution of fraud revealed in the course of servicing efforts and for the institution of suit or other proceedings to effect collections.

(f) To General Accounting Office for audit purposes.

(g) To welfare agencies for fraud investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in case files and on magnetic tape/disc/drum.

RETRIEVABILITY:

Manual records are retrieved by case file number; automated records are retrieved by case file number, mortgagor name and social security number.

SAFEGUARDS:

Computer facilities are secured and accessible only by authorized personnel, and all files are stored in a secured area. Technical restraints are employed with regard to accessing the computer and data files.

RETENTION AND DISPOSAL:

Records system is active and kept up-to-date.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Program Accounting Division, FBBP, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the Headquarters location, in accordance with 24 CFR part 16. This location is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned, appear in 24 CFR part 16. If additional information or assistance is required, contact the Privacy Act Officer at Headquarters. This location is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR part 16. If additional information or assistance is needed it may be obtained by contacting: (i) In relation to contesting contents of records, the Privacy Act Officer at the Headquarters location. This location is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410.

RECORD SOURCE CATEGORIES:

Mortgagors' applications and recertifications of income.

EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT:

None.

HUD/DEPT–43

SYSTEM NAME:

Property Disposition Files (A43; A43C; A80S).

SYSTEM LOCATION:

HUD Headquarters, HUD's Philadelphia, Atlanta, Denver and Santa Ana Homeownership Centers [HOCs] and multiple contractor sites. For a complete listing of these offices, with addresses, see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Mortgagors with HUD/FHA insured single family homes who have had their mortgages foreclosed and properties acquired by HUD; individuals who have had their properties acquired by the Department of Defense and transferred to HUD; single family mortgagors who defaulted on Section 312 loans and had their properties acquired by HUD; and potential buyers of HUD-held single-family properties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents pertaining to acquisition of foreclosed HUD/FHA insured single family homes and single family homes transferred from the Department of Defense. The documents include names, addresses, loan amounts and payments, and reasons for default; leases and rental information if properties are rented; purchasers' family characteristics, income and employment histories, credit reports, sales contracts, and settlement costs; and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Housing Act of 1937 as amended (Pub. L. 75–412).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, other routine uses are as follows:

(a) To IRS for auditing individual income tax returns;

(b) To insurance companies to file claims for amounts due;

(c) To mortgagees to review the credit of prospective purchasers;

(d) To local public authorities to check on acquisition, reuse and sales of real estate;

(e) To real estate management and marketing contractors who are performing HUD's property disposition activities in specific geographic areas.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In file folders, disks, tapes, electronic records in multiple computer record systems. Secure records maintenance requirements are incorporated into the real estate marketing and management contracts.

RETRIEVABILITY:

FHA Case number, property address, and by former mortgagor's name. Data on a current/recent purchaser of a HUD owned property.

SAFEGUARDS:

Lockable file cabinet; secured computer facilities at HUD and at the contractor's offices. There are background checks of all Contractor staff. Computer access to multiple HUD record systems is restricted by passwords, defined individual access profiles, restricted access to specified data fields. Data Transmission over secure T–1 and Shiva lines. Information about the properties is available to the public via the Internet for marketing purposes. However, information covered by the Privacy Act of 1974 and the Right to Financial Privacy Act (12 U.S.C. 3401) is not incorporated in any Internet site.

RETENTION AND DISPOSAL:

Obsolete records are destroyed or sent to storage facility in accordance with HUD Handbook.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Single Family Asset Management Division, HUAM, Office of Single Family Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) In relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410.

RECORD SOURCE CATEGORIES:

HUD/FHA Claims for Insurance Benefits, subject individuals; other individuals; current or previous employers; credit bureaus; financial institutions; other corporations or firms; federal government agencies; non-federal (including foreign, state and local) government agencies; real estate brokers and agents.

EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT:

None.

HUD/DEPT–4

SYSTEM NAME:

Fee Inspectors and Appraisers.

SYSTEM LOCATION:

Home Ownership Centers in Atlanta, Denver, Philadelphia and Santa Ana.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have applied to HUD for appointment as roster appraisers, and fee inspectors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications and résumés containing personal data and qualifications for position sought; assignment logs, fees paid and appraisals made; and evaluation of qualifications and of appraisals made.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 203 and 226 of the National Housing Act, Pub. L. 73–479.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, other routine uses are as follows:

(a) To roster appraisers for appraisal preparation;

(b) To VA, mortgagors, mortgagees notice of FHA action, billing;

(c) To local government officials for code enforcement, health and wetlands clearance;

(d) To Environmental Protection Agency for environmental clearance;

(e) To Social Security Administration for research.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

CHUMS.

RETRIEVABILITY:

Name; case file number (in some cases).

SAFEGUARDS:

Lockable file cabinets and desks.

RETENTION AND DISPOSAL:

Primarily active information; also mixed historical and active. Social Security appraisals are historical data. Disposal in accordance with HUD Handbook 2225.6, Records Disposition Management HUD Records Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Single Family Home Mortgage Insurance Division, HUAHM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410.

NOTIFICATION PROCEDURE:

For inquiry about existence of records, contact the Privacy Officer at the appropriate location, in accordance with procedures in 24 CFR part 16. If additional information or assistance is required, contact the Privacy Officer at the appropriate location. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) In relation to contesting contents of records, the Privacy Act

Officer at the appropriate locations. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410.

RECORD SOURCE CATEGORIES:

Subject individuals; references; and HUD staff.

EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 02–28481 Filed 11–8–02; 8:45 am]

BILLING CODE 4210–72–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–960–1430–ET; MIES–50199]

Public Land Order No. 7545; Revocation of Executive Order Dated May 24, 1847; Michigan

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes in its entirety, an Executive Order which reserved 87.1 acres of public land for use by the United States Coast Guard for lighthouse purposes. The land is no longer needed for lighthouse purposes. This action will open 0.47 acres to surface entry. The remaining land has been conveyed out of Federal ownership.

EFFECTIVE DATE: December 12, 2002.

FOR FURTHER INFORMATION CONTACT: Ed Ruda, BLM Eastern States Office, 7450 Boston Boulevard, Springfield, Virginia 22153, 703–440–1663.

SUPPLEMENTARY INFORMATION: This is a record clearing action only for the land that is no longer in Federal ownership.

Order

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. The Executive Order dated May 24, 1847, which reserved public land for lighthouse purposes, is hereby revoked in its entirety:

Michigan Meridian

T. 18 N., R. 14 E.,
Sec. 2, lots 1 and 2.
The area described contains 87.1 acres in Huron County.

2. At 10 a.m. on December 12, 2002, the land described below will be opened to the operation of the public land laws generally, subject to valid existing rights, the provision of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on December 12, 2002, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Michigan Meridian

T. 18 N., R. 14 E.,
Pointe Aux Barques Lighthouse Reservation, located in lot 2, sec. 2, being more particularly described as:
Beginning at the ¼ section corner of secs. 2 and 11, T. 18 N., R. 14 E.,
Thence,
N. 34°11′ E., 29.39 chs., to Angle Point No. 1, the place of beginning,
N. 50°10′ E., 0.50 chs., to a point on line,
N. 50°10′ E., 4.21 chs., to Angle Point No. 2,
S. 89°31′ E., 1.14 chs., to a point on line,
S. 89°31′ E., 0.46 chs., to Angle Point No. 3 on the present shoreline of Lake Huron,
Thence, with the meanders of Lake Huron,
N. 35°48′ W., 0.62 chs.,
N. 3°51′ E., 1.24 chs.,
N. 54°52′ W., 1.59 chs., to Angle Point No. 4,
S. 0°29′ W., 0.52 chs., to a point on line,
S. 0°29′ W., 1.63 chs., to Angle point No. 5,
S. 50°11′ W., 4.54 chs., to a point on line,
S. 50°11′ W., 0.50 chs., to Angle Point No. 6,
S. 39°50′ E., 0.38 chs., to Angle Point No. 1, the place of beginning.
The area described contains 0.47 acres in Huron County.

Dated: October 24, 2002.

Rebecca W. Watson,

Assistant Secretary—Land and Minerals Management.

[FR Doc. 02–28703 Filed 11–8–02; 8:45 am]

BILLING CODE 4310–GJ–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf, Gulf of Mexico Region, Proposed Central and Western Planning Area Multisale Environmental Impact Statement

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of availability of the Final Environmental Impact Statement on Proposed Central Planning Area Oil and Gas Lease Sales 185, 190, 194, 198, and 201, and Proposed Western Planning Area Sales 187, 192, 196, and 200.

SUMMARY: In accordance with the National Environmental Policy Act (NEPA), the Minerals Management Service (MMS) has prepared an environmental impact statement (EIS) for nine proposed areawide oil and gas lease sales in the Central Planning Area (CPA) and Western Planning Area (WPA) of the Gulf of Mexico (GOM) Outer Continental Shelf (OCS).

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, Mr. Joseph Christopher, telephone (504) 736–2774.

SUPPLEMENTARY INFORMATION: This EIS addresses nine proposed Federal actions that offer for lease areas on the GOM OCS that may contain economically recoverable oil and gas resources. Federal regulations allow for several related or similar proposals to be analyzed in one EIS (40 CFR 1502.4). Since each lease sale proposal and projected activities are very similar each year for each planning area, a single EIS is being prepared for nine Central and Western Gulf sales scheduled in the proposed Outer Continental Shelf Oil and Gas Leasing Program: 2002–2007 (the proposed 5-Year Program). Under the proposed 5-Year Program, five annual areawide lease sales are scheduled for the CPA and five annual areawide lease sales are scheduled for the WPA. The first proposed lease sale—Western Gulf Sale 184—was not addressed in this multisale EIS; a separate environmental analysis was prepared for that proposal. The Central Gulf sales addressed in this EIS are Sale 185 in 2003, Sale 190 in 2004, Sale 194 in 2005, Sale 198 in 2006, and Sale 201 in 2007. The Western Gulf sales are Sale 187 in 2003, Sale 192 in 2004, Sale 196 in 2005, and Sale 200 in 2006. Although this EIS addresses nine proposed lease sales, at the completion of this EIS process, decisions will be made only for proposed Sale 185 in the CPA and proposed Sale 187 in the WPA. Additional NEPA reviews will be conducted for each of the subsequent lease sales to ensure that the most current information is used in each decision process.

EIS Availability: You may find out which local libraries along the Gulf Coast have copies of the Final EIS for review, or you may obtain single copies of the Final EIS by contacting the Minerals Management Service, Gulf of Mexico OCS Region, Attention: Public Information Office (Mail Stop 5034), 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana 70123–394, or by calling 1–800–200–GULF.

You may request a Final EIS or check the list of libraries and their locations on the MMS Web site at *http://www.gomr.mms.gov.*

Dated: October 8, 2002.

Thomas A. Readinger,

Associate Director for Offshore Minerals Management.

Dated: October 10, 2002.

Willie R. Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 02–28557 Filed 11–8–02; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Notice of Workshop

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of meeting/workshop.

SUMMARY: This notice announces that MMS will hold a workshop with industry, State representatives, and the public to provide guidance on preparing Exploration Plans (EPs) and Development Operations Coordination Documents (DOCDs) that are required by current 30 CFR 250, Subpart B, regulations in the Gulf of Mexico (GOM) OCS Region.

DATES: MMS will hold the workshop on November 25, 2002, from 9:00 a.m. to approximately 12 noon at the location listed in the **ADDRESSES** section. The workshop may adjourn earlier than 12 noon if presentations are complete and there are no further questions.

ADDRESSES: MMS GOM Regional office (Room 111), 1201 Elmwood Park Blvd., New Orleans, LA 70123

FOR FURTHER INFORMATION CONTACT: Robert Sebastian, GOM OCS Region, (504) 736–2761.

SUPPLEMENTARY INFORMATION: The purpose of the workshop is to explain the change from the old environmental report to the new environmental impact analysis, as covered by Appendix H of Notice to Lessees and Operators (NTL) 2002–G08, for EPs and DOCDs. MMS issued NTL 2002–G08 with an effective date of August 29, 2002, and provided a transition period to November 29, 2002.

On May 17, 2002 we published a proposed rule on Oil and Gas and Sulphur Operations in the Outer Continental Shelf-Plans and Information (67 FR 35372). We posted a companion draft NTL for the GOM OCS Region on our Web site at *http://www.mms.gov.* While you may express verbal comments on aspects of the Subpart B proposed rule MMS staff will not respond to those comments at the workshop. In other words, no dialog. You must follow-up all comments expressed verbally with written comments to the rulemaking, and they must be submitted before the comment period ends in order for MMS to consider them.

Dated: November 1, 2002.

John V. Mirabella,

Acting Chief, Engineering and Operations Division.

[FR Doc. 02–28611 Filed 11–8–02; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

California Bay-Delta Public Advisory Committee Public Meeting

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the California Bay-Delta Public Advisory Committee will meet jointly with the CALFED Bay-Delta Program Policy Group on December 4 and 5, 2002. The agenda for the Committee meeting will include a summary of CALFED Bay-Delta Program progress and balance, the lead scientist's report, discussion of annual work plans and subcommittee recommendations, Committee priorities for 2003, and implementation of the CALFED Bay-Delta Program with State and Federal officials.

DATES: The meeting will be held Wednesday, December 4, 2002 from 9 a.m. to 6 p.m., and if needed, the meeting will resume on Thursday, December 5, 2002 from 9 a.m. to 12 p.m. If reasonable accommodation is needed due to a disability, please contact Pauline Nevins at (916) 657–2666 or TDD (800) 735–2929 at least 1 week prior to the meeting.

ADDRESSES: The meeting will be held at the Sheraton Grand Hotel located at 1230 J Street, Grand Ballroom, Sacramento, California, on December 4, 2002. If a second day is necessary to resume the meeting, the location will change to the Sacramento Convention Center located at 1400 J Street, Room 203, Sacramento, California, on December 5, 2002.

FOR FURTHER INFORMATION CONTACT: Eugenia Laychak, CALFED Bay-Delta Program, at (916) 654–4214, or Diane Buzzard, U.S. Bureau of Reclamation, at (916) 978–5022.

SUPPLEMENTARY INFORMATION: The Committee was established to provide assistance and recommendations to Secretary of the Interior Gale Norton and California Governor Gray Davis on implementation of the CALFED Bay-Delta Program. The Committee will advise on annual priorities, integration of the eleven Program elements, and overall balancing of the four Program objectives of ecosystem restoration, water quality, levee system integrity, and water supply reliability. The Program is a consortium of 23 State and Federal agencies with the mission to develop and implement a long-term comprehensive plan that will restore ecological health and improve water management for beneficial uses of the San Francisco/Sacramento and San Joaquin Bay Delta.

Committee and meeting materials will be available on the CALFED Bay-Delta Web site: *http://calfed.ca.gov* and at the meeting. This meeting is open to the public. Oral comments will be accepted from members of the public at the meeting and will be limited to 3–5 minutes.

(**Authority**: The Committee was established pursuant to the Department of the Interior's authority to implement the Fish and Wildlife Coordination Act, 16 U.S.C. 661 *et. seq.*, the Endangered Species Act, 16 U.S.C. 1531 *et. seq.*, and the Reclamation Act of 1902, 43 U.S.C. 371 *et. seq.*, and the acts amendatory thereof or supplementary thereto, all collectively referred to as the Federal Reclamation laws, and in particular, the Central Valley Project Improvement Act, Title 34 of Public Law 102–575.)

Dated: October 28, 2002.

Nan M. Yoder,

Acting Special Projects Officer, Mid-Pacific Region.

[FR Doc. 02–28614 Filed 11–8–02; 8:45 am]

BILLING CODE 4310–MN–M

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–423–425 (Final) and 731–TA–964, 966–970, 973–978, 980, and 982–983 (Final)]

Certain Cold-Rolled Steel Products From Argentina, Belgium, Brazil, China, France, Germany, Korea, the Netherlands, New Zealand, Russia, South Africa, Spain, Taiwan, Turkey, and Venezuela

Determinations

On the basis of the record [1] developed in the subject investigations, the United

[1] The record is defined in § 207.2(f) of the Commission's rules of practice and procedure (19 CFR 207.2(f)).

States International Trade Commission (Commission) determines,[2] pursuant to section 705(b) of the Tariff Act of 1930 (the Act),[3] that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports from Brazil, France, and Korea of certain cold-rolled steel products, provided for in headings 7209, 7210, 7211, 7212, 7225, and 7226 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be subsidized by the Governments of Brazil, France, and Korea. The Commission also determines,[4] pursuant to section 735(b) of the Act,[5] that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports from Argentina, Belgium, Brazil, China, France, Germany, Korea, the Netherlands, New Zealand, Russia, South Africa, Spain, Taiwan, Turkey, and Venezuela of certain cold-rolled steel products, provided for in headings 7209, 7210, 7211, 7212, 7225, and 7226 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted these investigations effective September 28, 2001, following receipt of petitions filed with the Commission and Commerce by Bethlehem Steel Corporation, Bethlehem, PA; LTV Steel Co., Inc., Cleveland, OH; National Steel Corporation, Mishawaka, IN; Nucor Corporation, Charlotte, NC; Steel Dynamics Inc., Butler, IN; United States Steel LLC, Pittsburgh, PA; WCI Steel, Inc., Warren, OH; and Weirton Steel Corporation, Weirton, WV.[6] The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of certain cold-rolled steel products from Argentina, Belgium, Brazil, China, France, Germany, Korea, the Netherlands, New Zealand, Russia, South Africa, Spain, Taiwan, Turkey, and Venezuela were being sold at LTFV within the meaning of section 733(b) of the Act,[7] and preliminary determinations by Commerce that imports of certain cold-rolled steel products from Brazil, France, and Korea were being subsidized within the meaning of section 703(b) of the Act.[8] Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of June 3, 2002 (67 FR 38291). The hearing was held in Washington, DC, on July 18, 2002, and all persons who requested the opportunity were permitted to appear in person or by counsel. The Commission transmitted its determinations in these investigations to the Secretary of Commerce on October 28, 2002. The views of the Commission are contained in USITC Publication 3551 (November 2002), entitled Certain Cold-Rolled Steel Products from Argentina, Belgium, Brazil, China, France, Germany, Korea, the Netherlands, New Zealand, Russia, South Africa, Spain, Taiwan.

By order of the Commission
Issued: November 5, 2002.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 02–28609 Filed 11–8–02; 8:45 am]

BILLING CODE 7020–02–P

[2] Commissioner Lynn M. Bragg dissenting.

[3] 19 U.S.C. 1671d(b).

[4] Commissioner Lynn M. Bragg dissenting.

[5] 19 U.S.C. 1673d(b).

[6] Weirton Steel Corporation is not a petitioner with respect to the Netherlands.

[7] 19 U.S.C. 1673b(b).

[8] 19 U.S.C. 1671b(b).

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated September 25, 2001, and published in the **Federal Register** on October 3, 2001 (66 FR 50453), Cambridge Isotope Lab, 50 Frontage Road, Andover, Massachusetts 01810, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Methaqualone (2565)	I
Dimethyltryptamine (7435)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Phencyclidine (7471)	II
Cocaine (9041)	II
Codeine (9050)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Benzoylecgonine (9180)	II
Methadone (9250)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273)	II
Morphine (9300)	II
Fentanyl (9801)	II

The firm plans to manufacture small quantities of the listed controlled substances to produce isotope labeled standards for drug analysis.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, section 823(a) and determined that the registration of Cambridge Isotope Lab to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated Cambridge Isotope Lab on a regular basis to ensure that its continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: October 21, 2002.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 02–28657 Filed 11–8–02; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Lazaro Guerra, M.D.; Revocation of Registration

On February 25, 2002, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Lazaro Guerra, M.D. (Dr. Guerra) of Hialeah, Florida, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AG8202765 under 21 U.S.C. 824(a), and

deny any pending applications for renewal or modification of that registration. As a basis for revocation, the Order to Show Cause alleged that Dr. Guerra is not currently authorized to handle controlled substances in Florida, the state in which he practices, and that he was permanently excluded from the Medicare program. The order also notified Dr. Guerra that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived.

The Order to Show Cause was sent by certified mail to Dr. Guerra at both his registered location in Hialeah, Florida and to the Federal Detention Center in Miami, Florida, where Dr. Guerra was incarcerated. DEA received signed receipts indicating that the Order to Show Cause was received on Dr. Guerra's behalf on March 5, 2002 at the Federal Detention Center and on March 4, 2002 at his registered address. DEA has not received a request for hearing or any other reply from Dr. Guerra or anyone purporting to represent him in this matter. Therefore, the Deputy Administrator, finding that (1) 30 days have passed since the receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that Dr. Guerra is deemed to have waived his hearing right. After considering material from the investigative file in this matter, the Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Deputy Administrator finds that Dr. Guerra possessed DEA Certificate of Registration AG8202765. On August 16, 1978, he obtained DEA Certificate of Registration Number AG8202765 as a practitioner in Schedules II through V. On September 30, 2001, that registration expired and was not renewed. On March 11, 2001, he submitted an application for DEA Certificate of Registration as a researcher, seeking authorization to handle controlled substances in Schedule I at a hospital facility in Hialeah, Florida.

On February 10, 2000, Dr. Guerra, along with two other individuals, were charged through a criminal information in the United States District Court, Southern District of Florida with conspiracy to commit mail fraud. Specifically, Dr. Guerra and others were charged with using fraudulent means to obtain approximately $2.7 million from Medicare in the form of reimbursements from 1990 to January 1997. On April 10, 2001, Dr. Guerra entered a guilty plea to one felony count of mail fraud. As part of his plea, he agreed to pay $2.7 million in restitution to the United States Department of Health and Human Services. He was sentenced to forty-eight (48) months imprisonment, and ordered to pay additional fines and assessments. He further agreed to a permanent mandatory exclusion from participation in the Medicare program pursuant to 42 U.S.C. 1320a–7(a). 21 U.S.C. 824(a)(5).

On July 18, 2001, the Florida Department of Health issued an Order of Emergency Suspension of License with respect to Dr. Guerra's medical license. The suspension of his medical license has not been lifted. Therefore, Dr. Guerra is not currently authorized to handle controlled substances in the State of Florida. 21 U.S.C. 824(a)(3).

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration AG8202765 issued to Lazaro Guerra, M.D. be, and hereby is, revoked. The Deputy Administrator further orders that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective December 12, 2002.

Dated: October 28, 2002.

John B. Brown, III,

Deputy Administrator.

[FR Doc. 02–28661 Filed 11–8–02; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Ramona K. Morris, M.D.; Revocation of Registration

On April 19, 2002, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Ramona K. Morris, M.D. (Dr. Morris) of Kingman, Kansas, notifying her of an opportunity to show cause as to why DEA should not revoke her DEA Certificate of Registration, BM6789056 under 21 U.S.C. 824(a)(3), and deny any pending applications for renewal or modification of that registration. As a basis for revocation, the Order to Show Cause alleged that Dr. Morris is not currently authorized to practice medicine or handle controlled substances in Kansas, the state in which she practices. The order also notified Dr. Morris that should no request for a hearing be filed within 30 days, her hearing right would be deemed waived.

The Order to Show Cause was sent by certified mail to Dr. Morris at her registered location in Kingman, Kansas. DEA received a signed receipt indicating that the Order to Show Cause was received on Dr. Morris's behalf on April 29, 2002. DEA has not received a request for hearing or any other reply from Dr. Morris or anyone purporting to represent her in this matter. Therefore, the Deputy Administrator, finding that (1) 30 days have passed since the receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that Dr. Morris is deemed to have waived her hearing right. After considering material from the investigative file in this matter, the Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Deputy Administrator finds that Dr. Morris possessed DEA Certificate of Registration BM6789056. The Deputy Administrator further finds that effective July 9, 2002, the Board of Healing Arts of the State of Kansas revoked Dr. Morris's state license to practice medicine. Therefore, the Deputy Administrator finds that Dr. Morris is not currently authorized to practice medicine in the State of Kansas. As a result, it is reasonable to infer that she is also without authorization to handle controlled substances in that state.

DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which she conducts business. See 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. See Muttaiya Darmarajeh, M.D., 66 FR 52936 (2001); Dominick A. Ricci, M.D., 58 FR 51104 (1993); Bobby Watts, M.D., 53 FR 11919 (1988).

Here, it is clear that Dr. Morris's medical license has been suspended and she is not licensed to handle controlled substances in the State of Kansas, where she is registered with DEA. Therefore, she is not entitled to a DEA registration in that state.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration BM6789056, issued to Ramona K. Morris, M.D., and it hereby is, revoked. The Deputy Administrator further orders that any pending applications for renewal or modification of such registration be, and they hereby are, denied. This order is effective December 12, 2002.

Dated: October 28, 2002.

John B. Brown, III,

Deputy Administrator.

[FR Doc. 02–28658 Filed 11–8–02; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated April 11, 2002, and published in the **Federal Register** on April 26, 2002 (67 FR 20828), Noramco of Delaware, Inc., Division of McNeilab, Inc., which has changed its name to Noramco of Delaware, Inc., Division of Ortho-McNeil, Inc., 500 Old Swedes Landing Road, Wilmington, Delaware 19801, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Codeine (9050)	II
Oxycodone (9143)	II
Hydrocodone (9193)	II
Morphine (9300)	II
Thebaine (9333)	II

The firm plans to manufacture the listed controlled substances for distribution to its customers as bulk product.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, section 823(a) and determined that the registration of Noramco of Delaware, Inc. to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated Noramco of Delaware, Inc. on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: October 21, 2002.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 02–28656 Filed 11–8–02; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Alfred S. Santucci, D.M.D.; Revocation of Registration

On May 13, 2002, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Alfred S. Santucci, D.M.D. of Niles, Ohio, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, BS1782665 under 21 U.S.C. 824(a), and deny any pending applications for renewal or modification of that registration. As a basis for revocation, the Order to Show Cause alleged that Dr. Santucci not currently authorized to handle controlled substances in Ohio, the state in which he practices, and had been convicted of a felony involving controlled substances. The order also notified Dr. Santucci that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived.

By letter of June 10, 2002, Dr. Santucci requested an administrative hearing. On July 9, 2002, DEA filed the Government's Motion for Summary Disposition and Request for Stay of the Filing of Prehearing Statement. The Motion was based upon the argument that no facts were at issue: DEA cannot register or maintain the registration of a practitioner who is not duly authorized to handle controlled substances in the state in which he conducts business. Dr. Santucci did not respond to the Motion. On September 18, 2002, Administrative Law Judge Mary Ellen Bittner certified and transmitted the record in the matter to the Deputy Administrator along with her Opinion and Recommended Decision. In her Decision, the Administrative Law Judge granted DEA's Motion for Summary Disposition and recommended that Dr. Santucci's DEA registration be revoked.

The Deputy Administrator has carefully reviewed the entire record in this matter, as defined above, and hereby issues this final order as prescribed by 1301.46, based upon the following findings and conclusions. The Deputy Administrator adopts the Opinion and Recommended Decision of the Administrative Law Judge, and his adoption is in no manner diminished by any recitative of facts, issues and conclusions herein, or of any failure to mention a matter of fact or law. The Deputy Administrator now enters his final order without a hearing pursuant to 21 C.F.R. 1301.43(d) and (e) and 1301.46.

The Deputy Administrator finds that Dr. Santucci possesses DEA Certificate of Registration B1782665. On February 14, 2001, Dr. Santucci entered into a consent agreement with Ohio State Dental Board which imposed an indefinite suspension of Dr. Santucci's license to practice dentistry. Loss of state authority to engage in the practice of medicine is an independent ground to revoke a practitioner's registration under 21 U.S.C. 824(a)(3). This agency has consistently held that a person may not maintain a DEA registration if he is without appropriate authority under the laws of the State in which he does business. See Anne Lazar Thorn, M.D., 62 FR 12,847 (DEA1997); Bobby Watts, M.D., 53 FR 11,919 (DEA 1988); Robert F. Witek, D.D.S., 52 FR 47,770 (DEA 1987).

Dr. Santucci has not denied that he is currently not licensed to practice medicine in Ohio, the jurisdiction in which he is registered. Accordingly, he is not entitled to a DEA registration. As the Administrative Law Judge stated, it is well-settled that when no question of fact is involved, or when the material facts are agreed upon, a plenary, adversial administrative proceedings is not required. See Jesus R. Jaurez, M.D., 62 FR 14,945 (DEA 1997); Dominick A. Ricci, M.D., 58 FR 51,104 (DEA 1993).

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, grants the agency's Motion for Summary Disposition and hereby orders that DEA Certificate of Registration BSS1782665 issued to Alfred S. Santucci, D.M.D. be, and hereby is, revoked. The Deputy Administrator further orders that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective December 12, 2002.

Dated: October 28, 2002.

John B. Brown, III,

Deputy Administrator.

[FR Doc. 02–28659 Filed 11–8–02; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Fredesminda Yabut-Baluyut, M.D. Revocation of Registration

On February 25, 2002, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Fredesminda Yabut-Baluyut, M.D. (Dr. Yabut-Baluyut) of Lake Forest, California, notifying her of an opportunity to show cause as to why DEA should not revoke her DEA Certificate of Registration, AY2422640 under 21 U.S.C. 824(a), and deny any pending applications for renewal or modification of that registration. As a basis for revocation, the Order to Show Cause alleged that Dr. Yabut-Baluyut is not currently authorized to handle controlled substances in California, the state in which she practices. The order also notified Dr. Yabut-Baluyut that should no request for a hearing be filed within 30 days, her hearing right would be deemed waived.

The Order to Show Cause was sent by certified mail to Dr. Yabut-Baluyut at her registered location in Lake Forest, California. DEA received a signed receipt indicating that the Order to Show Cause was received on Dr. Yabut-Baluyut's behalf on March 5, 2002. DEA has not received a request for hearing or any other reply from Dr. Yabut-Baluyut or anyone purporting to represent her in this matter. Therefore, the Deputy Administrator, finding that (1) 30 days have passed since the receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that Dr. Yabut-Baluyut is deemed to have waived her hearing right. After considering material from the investigative file in this matter, the Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Deputy Administrator finds that Dr. Yabut-Baluyut possessed DEA Certificate of Registration AY2422640 and that registration expired on May 31, 2001. The registration remains valid, however, based upon renewal applications submitted on April 9, 2001, and August 20, 2001.

The Deputy Administrator further finds that an investigation by DEA revealed that from March 1997 through May 1998, Dr. Yabut-Baluyut made 59 separate purchases totaling 12 million tablets of 60mg. pseudoephedrine from Hadro Drugs (formerly Darby Drugs) of Westbury, New York. Four of these purchases were in excess of $10,000 in which Dr. Yabut-Baluyut used multiple cashier's checks purchased from her bank. Dr. Yabut-Baluyut then sold these products to an individual who picked up pseudoephedrine products from Dr. Yabut-Baluyut's home and/or residence.

On September 4, 1998, Dr. Yabut-Baluyut was questioned by DEA investigators regarding the sale of the above products. Dr. Yabut-Baluyut informed investigators that she sold pseudoephedrine tablets to an individual by the name of ''John.'' Dr. Yabut-Baluyut stated falsely to DEA investigators that she did not know how to contact the individual. During a subsequent interview with a DEA Special Agent, Dr. Yabut-Baluyut reiterated that she did not know the identity of the person to whom she sold pseudoephedrine. After further questioning, however, Dr. Yabut-Baluyut informed DEA that the individual's name was ''John Smith.'' Dr. Yabut-Baluyut later admitted that she sold pseudoephedrine to ''John Smith'' because she needed the money. DEA subsequently learned that Dr. Yabut-Baluyut sold the above referenced pseudoephedrine products to an individual by the name of Joseph Hasrouty. DEA also learned that Dr. Yabut-Baluyut never provided medical treatment to Mr. Hasrouty, nor was he Dr. Yabut-Baluyut's patient.

Pseudoephedrine (DEA chemical code 8112) is a legitimately imported and distributed product used in the production of nasal decongestants. Pseudoephedrine is also a precursor chemical used in the illicit manufacture of methamphetamine or amphetamine, both Schedule II controlled substances. Dr. Yabut-Baluyut knew, or should have known that the person to whom she sold pseudoephedrine purchased the product for purposes of manufacturing methamphetamine. 21 U.S.C. 843(a)(7). In addition, Dr. Yabut-Baluyut failed to maintain a record of these regulated transactions as required by 21 U.S.C. 830(a).

On January 19, 1999, Dr. Yabut-Baluyut was arrested pursuant to a federal arrest warrant issued from the United States District Court, Central District of California on a charge of knowingly possessing and distributing approximately 12 million tablets of pseudoephedrine, and having reasonable cause to believe that such chemical would be used to manufacture a controlled substance in violation of 21 U.S.C. 841. On June 15, 2000, Dr. Yabut-Baluyut was indicted on nine felony counts related to conspiracy, and unlawful possession of a listed chemical in violation of 21 U.S.C. 841 and 846. On June 27, 2001, a superseding indictment was issued charging Dr. Yabut-Baluyut with thirteen felony counts related to conspiracy, unlawful possession of a listed chemical, wrongful distribution of a listed chemical and failure to maintain required records, in violation of 21 U.S.C. 841 and 846. On October 16, 2001, Dr. Yabut-Baluyut was found guilty on nine counts of the superseding indictment. Therefore, Dr. Yabut-Baluyut has been convicted of a felony related to controlled substances. 21 U.S.C. 824(a)(2).

On December 9, 1999, the California Medical Board (Board) issued an order restricting Dr. Yabut-Baluyut's physician's and surgeon's certificate (medical license) pending a hearing before the Board, and further ordered that Dr. Yabut-Baluyut be restricted from prescribing, administering, dispensing or ordering any controlled substances. On December 22, 1999, the Board brought an Accusation against Dr. Yabut-Baluyut's medical license in the State of California based in part upon Dr. Yabut-Baluyut's purchase and sale of pseudoephedrine for no legitimate medical reason. The Board further alleged that Dr. Yabut-Baluyut excessively prescribed dangerous drugs and controlled substances, and that Dr. Yabut-Baluyut prescribed dangerous drugs and/or controlled substances, without a good faith prior examination or medical indication. On June 2, 2000, the Board issued a Default Decision, in which it ordered the revocation of Dr. Yabut-Baluyut's medical license. The decision was to take effect on July 3, 2000. However, on June 22, 2000, the Board issued an Order Vacating and Setting Aside Disciplinary Decision with respect to the revocation of Dr. Yabut-Baluyut's medical license. However, the Board maintained the suspension of Dr. Yabut-Baluyut's license with respect to her handling of controlled substances, and there is nothing in the investigative file that shows that her privileges have been reinstated. Therefore, Dr. Yabut-Baluyut currently is not authorized to handle controlled substances in the State of California. 21 U.S.C. 824(a)(3).

DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts business. See 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. See Muttaiya Darmarajeh, M.D., 66 FR 52936 (2001); Dominick A. Ricci, M.D., 58 FR 51104 (1993); Bobby Watts, M.D. 53 FR 11919 (1988).

Here, it is clear that Dr. Yabut-Baluyut is not licensed to handle controlled substances in the State of California, where she is registered with DEA. Therefore, she is not entitled to a DEA registration in that state. Moreover, Dr. Yabut-Baluyut has been convicted of a felony relating to listed chemicals and has committed such acts as would render her registration inconsistent with the public interest.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration AY2422640, issued to Fredesminda Yabut-Baluyut, M.D. be, and it hereby is, revoked. The Deputy Administrator further orders that any pending applications for renewal or modification of such registration be, and they hereby are, denied. This order is effective December 12, 2002.

Dated: October 28, 2002.

John B. Brown, III,

Deputy Administrator.

[FR Doc. 02–28660 Filed 11–8–02; 8:45 am]

BILLING CODE 4410–04–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP(OJP)–1365]

Meeting of the Public Safety Officer Medal of Valor Review Board

AGENCY: Office of Justice Programs (OJP), Justice.

ACTION: Notice of meeting.

SUMMARY: This is an announcement of a meeting of the Public Safety Officer Medal of Valor Review Board to discuss and review applications received for the Public Safety Officer Medal of Valor.

DATES: The meeting will take place on Friday, November 22, 2002, from 11 a.m. to 5 p.m. C.S.T.

ADDRESSES: The meeting will take place at the offices of the Kansas City Fire Department, 2400 Troost Avenue, Third Floor, Kansas City, MO; *Phone:* (816) 784–9206.

FOR FURTHER INFORMATION, CONTACT: Tracy A. Henke, Principal Deputy Assistant Attorney General, Office of Justice Programs, 810 7th Street NW., Sixth Floor, Washington, DC 20531; *Phone:* (202) 307–5933 (**note:** this not a toll free number).

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to review and discuss applications for the Public Safety Officer Medal of Valor from among those applications received by the National Medal of Valor Office.

This meeting is open to the public and registrations will be accepted on a space available basis. Members of the public who wish to attend the meeting must register at least (7) days in advance of the meeting by contacting Ms. Henke at the above address. Access to the meeting will not be allowed without registration. All attendees will be required to sign in at the meeting registration desk. Please bring photo identification and allow extra time prior to the meeting.

Anyone requiring special accommodations should contact Ms. Henke at least seven (7) days in advance of the meeting.

Authority

The Public Safety Officer Medal of Valor Review Board is authorized to carry out its advisory function under 42 U.S.C. 15202. 42 U.S.C. section 15201 authorizes the President to award the Public Safety Officer Medal of Valor, the highest national award for valor by a public safety officer.

Tracy A. Henke,

Principal Deputy Assistant Attorney General, Office of Justice Programs.

[FR Doc. 02–28610 Filed 11–8–02; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program: Certifications for 2001 Under the Federal Unemployment Tax Act

On October 31, 2002, the Secretary of Labor signed the annual certifications under the Federal Unemployment Tax Act, 26 U.S.C. 3301 *et seq.*, thereby enabling employers who make contributions to state unemployment funds to obtain certain credits against their liability for the federal unemployment tax. By letter of the same date the certifications were transmitted to the Secretary of the Treasury. The letter and certifications are printed below.

Dated: November 1, 2002.

Emily Stover DeRocco,

Assistant Secretary.

SECRETARY OF LABOR

WASHINGTON

October 31, 2002.

The Honorable Paul H. O'Neill, *Secretary of the Treasury, Washington, DC 20220*

Dear Secretary O'Neill: Transmitted herewith are an original and one copy of the certifications of the states and their unemployment compensation laws for the 12-month period ending on October 31, 2002. One is required with respect to the normal federal unemployment tax credit by Section 3304 of the Internal Revenue Code of 1986 (IRC), and the other is required with respect to the additional tax credit by Section 3303 of the IRC. Both certifications list all 53 jurisdictions.

Sincerely,

Elaine L. Chao,

Enclosures.

United States Department of Labor, Office of the Secretary, Washington, DC

Certification of States of the Secretary of the Treasury Pursuant to Section 3304(c) of the Internal Revenue Code of 1986

In accordance with the provisions of Section 3304(c) of the Internal Revenue Code of 1986 (26 U.S.C. 3304(c)), I hereby certify the following named states to the Secretary of the Treasury for the 12-month period ending on October 31, 2002, in regard to the unemployment compensation laws of those states which heretofore have been approved under the Federal Unemployment Tax Act:

Alabama
Alaska
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
District of Columbia
Florida
Maryland
Massachusetts
Georgia
Hawaii
Idaho
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maine
Oregon

Pennsylvania
Michigan
Minnesota
Mississippi
Missouri
Montana
Nebraska
Nevada
New Hampshire
New Jersey
New Mexico
New York
North Carolina
North Dakota
Ohio
Oklahoma
Puerto Rico
Rhode Island
South Carolina
South Dakota
Tennessee
Texas
Utah
Vermont
Virginia
Virgin Islands
Washington
West Virginia
Wisconsin
Wyoming

This certification is for the maximum normal credit allowable under Section 3302(a) of the Code.

Signed at Washington, DC, on October 31, 2002.

Elaine L. Chao,

Secretary of Labor.

United States Department of Labor, Office of the Secretary, Washington, DC

Certification of State Unemployment Compensation Laws to the Secretary of the Treasury Pursuant to Section 3303(b)(1) of the Internal Revenue Code of 1986

In accordance with the provisions of paragraph (1) of Section 3303(b) of the Internal Revenue code of 1986 (26 U.S.C. 3303(b)(1)), I hereby certify the unemployment compensation laws of the following named states, which heretofore have been certified pursuant to paragraph (3) of Section 3303(b) of the Code, to the Secretary of the Treasury for the 12-month period ending on October 31, 2002:

Alabama
Alaska
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
District of Columbia
Florida
Maryland
Massachusetts
Georgia
Hawaii
Idaho
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maine
Oregon
Pennsylvania
Michigan
Minnesota
Mississippi
Missouri
Montana
Nebraska
Nevada
New Hampshire
New Jersey
New Mexico
New York
North Carolina
North Dakota
Ohio
Oklahoma
Puerto Rico
Rhode Island
South Carolina
South Dakota
Tennessee
Texas
Utah
Vermont
Virginia
Virgin Islands
Washington
West Virginia
Wisconsin
Wyoming

This certification is for the maximum additional credit allowable under Section 3302(b) of the Code.

Signed at Washington, DC, on October 31, 2002.

Elaine L. Chao,

Secretary of Labor.

[FR Doc. 02–28646 Filed 11–8–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Veterans' Employment and Training Service; Proposed Information Collection Request Submitted for Public Comment and Recommendations; Federal Contractor Veterans' Employment Report VETS–100

AGENCY: Veterans' Employment and Training Service (VETS), Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with The Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506 C(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently the Veterans' Employment and Training Service (VETS) is soliciting comments concerning the proposed information collection request for the VETS–100 Form.

DATES: Comments are to be submitted by January 13, 2003.

ADDRESSES: Comments are to be submitted to the Veterans' Employment and Training Service, U.S. Department of Labor, Room S–1316, 200 Constitution Ave., NW., Washington, DC 20210, telephone (202) 693–4711. Written comments limited to 10 pages or fewer may also be transmitted be facsimile to (202) 693–4755. Receipt of submissions, whether by U.S. mail, e-mail or FAX transmittal, will not be acknowledged; however, the sender may request confirmation that a submission has been received, by telephoning VETS at (202) 693–4711.

FOR FURTHER INFORMATION CONTACT: Contact Norman G. Lance, Division of Investigation and Compliance, Veterans' Employment and Training Service, U.S. Department of Labor, Room S–1316, 200 Constitution Ave., NW., Washington, DC 20210, telephone: (202) 693–4731 (Voice) or (800) 670–7008 (TTY/TDD). Copies of the referenced information collection request are available for inspection and copying through VETS and will be mailed to persons who request copies by telephoning Ms. Lynne McGrail at (202) 693–4726.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Contractor Veterans employment Report VETS–100 is administered by the U.S. Department of Labor, is used to facilitate Federal contractor and subcontractor reporting of their employment and new hiring activity. Title 38 U.S.C. 4212(d) requires the collection of information from entities holding contracts of $25,000 or more with Federal Departments or agencies to report annually on (a) the number of current employees in each

job category and at each hiring location who are special disabled veterans, the number who are veterans of the Vietnam era, and the number who are other protected veterans who served on active duty during a war or a campaign or expedition for which a campaign badge has been authorized, and newly separated veterans; (b) the total number of employees hired during the report period and of those, the number of special disabled, the number who are veterans of the Vietnam era, and the number who are other veterans; and the maximum and minimum number of employees employed by the contractor at each hiring location.

VETS is requesting this extension to ensure that an OMB cleared and approved form is available for the collection of the VETS–100 Reports for September 2003. Although there is legislation which, upon implementation, will change a number of requirements for the submission of the VETS–100 report, the legislation does not take effect until 12 months following enactment of the legislation, will therefore, not effect the submission of the VETS–100 report for the 2003 collection. This extension will bring the VETS–100 Form into compliance with legislative mandates.

II. Desired Focus of Comments

Currently VETS is soliciting comments concerning the proposed information collection request for the Federal Contractor Veterans' Employment Report VETS–100. The Department of Labor 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.
- 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.

III. Current Actions

This notice requests an extension of the current Office of Management and Budget approval of the paperwork requirements for VETS–100 Form.

Type of Review: Extension.

Atency: Veterans' Employment and Training Service.

Title: VETS–100 Form.

OMB Number: 1293–0005.

Affected Public: Business or other for-profit institutions and not-for-profit institutions.

Total Respondents: 194,580.

Average Time per Response: 45 minutes.

Total Burden Hours: 97,290 hours.

Total Annualized Capital/Startup costs: $0.

Total Initial Annual Costs: $0.

Comments submitted in response to this notice will be summarized and included in the request for the Office of Management and Budget approval of the information collection request. Comments will become a matter of public record.

Dated: November 5, 2002.

Frederico Juarbe Jr.,

Assistant Secretary, Veterans' Employment and Training Service.

BILLING CODE 4510–79–P

FEDERAL CONTRACTOR VETERANS' EMPLOYMENT REPORT VETS-100

OMB NO:1293-0005
Expires 12-31-xxxx

Persons are not required to respond to this collection of information unless it displays a valid OMB number

RETURN COMPLETED REPORT TO:

U.S. DEPARTMENT OF LABOR
VETERANS' EMPLOYMENT AND TRAINING SERVICE
VETS-100 REPORTING OFFICE
6101 STEVENSON AVENUE
ALEXANDRIA, VA 22304

TYPE OF REPORTING ORGANIZATION (Check one or both, as applicable)	TYPE OF FORM (Check only one)
☐ Prime Contractor ☐ Subcontractor	☐ Single Establishment ☐ Multiple Establishment-Headquarters ☐ Multiple Establishment-Hiring Location ☐ Multiple Establishment-State Consolidated (specify number of locations) _____. (MSC)

x

COMPANY IDENTIFICATION INFORMATION (Omit if items preprinted above)

COMPANY No:	*TWELVE MONTH PERIOD ENDING* M M D D Y Y Y Y		
NAME OF PARENT COMPANY:	*ADDRESS (NUMBER AND STREET):*		
CITY:	*COUNTY:*	*STATE:*	*ZIP CODE:*

NAME OF HIRING LOCATION:	*ADDRESS (NUMBER AND STREET):*		
CITY:	*COUNTY:*	*STATE:*	*ZIP CODE:*

NAICS: _____ *DUNS:* ___ – ___ – ____ *EMPLOYER ID (IRS TAX No.)* ___ – _____

INFORMATION ON VETERANS

REPORT ALL PERMANENT FULL-TIME OR PART-TIME EMPLOYEES AND NEW HIRES WHO ARE VETERANS, AS DEFINED ON REVERSE. DATA ON NUMBER OF EMPLOYEES ARE TO BE ENTERED IN COLUMN L, M, AND N, LINES 1-9. DATA ON NEW HIRES ARE TO BE ENTERED IN COLUMNS O, P, Q, R, AND S. ENTRIES IN COLUMNS O, P, Q, R, AND S, LINES 1 THROUGH 9, AND COLUMNS L, M, AND N, LINE 10 (GRAY SHADED AREAS) ARE OPTIONAL. **ENTRIES IN COLUMN Q, LINE 10 (AREA SHADED LIGHT GRAY) ARE OPTIONAL FOR 2002 AND EXPECTED TO BE REQUIRED FOR THE 2003 REPORTING CYCLE.** DETAILED INSTRUCTIONS ARE FOUND ON THE REVERSE OF THIS FORM.

JOB CATEGORIES	NUMBER OF EMPLOYEES			NEW HIRES (PREVIOUS 12 MONTHS)				
	SPECIAL DISABLED VETERANS (L)	VIETNAM ERA VETERANS (M)	OTHER PROTECTED VETERANS (N)	SPECIAL DISABLED VETERANS (O)	VIETNAM ERA VETERANS (P)	NEWLY SEPARATED VETERANS (Q)	OTHER PROTECTED VETERANS (R)	TOTAL NEW HIRES, BOTH VETERANS AND NON-VETERANS (S)
OFFICIALS AND MANAGERS 1								
PROFESSIONALS 2								
TECHNICIANS 3								
SALES WORKERS 4								
OFFICE AND CLERICAL 5								
CRAFT WORKERS (SKILLED) 6								
OPERATIVE (SEMI-SKILLED) 7								
LABORERS (UNSKILLED) 8								
SERVICE WORKERS 9								
TOTAL 10								

Report the total maximum and minimum number of permanent employees on board during the period covered by this report.

Maximum Number	Minimum Number

FEDERAL CONTRACTOR VETERANS' EMPLOYMENT REPORT (VETS-100)

WHO MUST FILE

The Vets-100 report is to be completed by all nonexempt federal contractors and subcontractors with contracts or subcontracts for the furnishing of supplies and services or the use of real or personal property for $25,000 or more. Services include but are not limited to the following services: Utility, construction, transportation, research, insurance, and fund depository, irrespective of whether the government is the purchaser or seller. The existence of $25,000 or more in federal contracts or subcontracts during a given calendar year establishes the requirement to file a VETS-100 Report during the following calendar year.

WHEN TO FILE

This annual report must be filed no later than September 30. Mail to the address pre-printed on the front of the form.

LEGAL BASIS FOR REPORTING REQUIREMENTS

Title 38, United States Code, Section 4212(d) and PL 105-339, require that federal contractors report at least annually the numbers of **existing** employees who are: 1) special disabled veterans, 2) veterans of the Vietnam era, and 3) other protected veterans (that is, who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized). For the existing employees, the numbers of veterans within these three groups are to be broken out by job category. **New hires** are to be reported over a twelve month reporting period. The total number of veteran new hires in each of the three groups above is to be reported, along with the total number of newly separated veterans (i.e. hired within twelve months of separation). In addition, over the same twelve month period, the total number of new hires, both veterans and non-veterans, is required to be reported, along with the minimum and maximum total employment. This reporting is required by hiring location.

HOW TO SUBMIT THE VETS-100 REPORTS

Single-establishment employers must file one completed form. All multi-establishment employers, i.e., those doing business at more than one hiring location, must file (A) one form covering the principal or headquarters office: (B) a separate form for each hiring location employing 50 or more persons: and (C) EITHER, (I) a separate form for each hiring location employing fewer than 50 persons, OR (ii) consolidated reports that cover hiring locations within one State that have fewer than 50 employees. Each state consolidated report must also list the name and address of the hiring locations covered by the report. Company consolidated reports such as those required by EEO-1 reporting procedures are NOT required for the VETS-100 report. Completed reports for the headquarters location and all other hiring locations for each company should be mailed in one package to the address indicated on the front of the form.

RECORD KEEPING

Employers must keep copies of the completed annual VETS-100 report submitted to DOL for a period of two years.

HOW TO PREPARE THE FORMS

Shaded areas designate optional information. Answers to questions in all other areas of the form are mandatory.

Multi-establishment employers submitting hard copy reports should produce facsimile copies of the headquarters form for reporting data on each location.

Type of Reporting Organization Indicate the type of contractual relationship (prime contractor or subcontractor) that the organization has with the Federal Government. If the organization serves as both a prime contractor and a subcontractor on various federal contracts, check both boxes.

Type of Form If a reporting organization submits only one VETS-100 Report form for a single location, check the Single Establishment box. If the reporting organization submits more than one form, only one form should be checked as Multiple Establishment-Headquarters. The remaining forms should be checked as either Multiple Establishment-Hiring Location or Multiple Establishment-State Consolidated. For state consolidated forms, the number of hiring locations included in that report should be entered in the space provided. For each form, only one box should be checked within this block.

COMPANY IDENTIFICATION INFORMATION

Company Number Do not change the Company Number that is printed on the form. If there are any questions regarding your Company Number, please call the VETS-100 staff at (703) 461-2460 or e-mail HELPDESK@VETS100.COM.

Twelve Month Period Ending Enter the end date for the twelve month reporting period used as the basis for filing the VETS-100 Report. To determine this period, select a date in the current year between July 1 and August 31 that represents the end of a payroll period. That payroll period will be the basis for reporting Number of Employees, as described below. Then the twelve month period preceding the end date of that payroll period will be your twelve month period covered. This period is the basis for reporting New Hires, as described below. Any federal contractor or subcontractor who has written approval from the Equal Employment Opportunity Commission to use December 31 as the ending date for the EEO-1 Report may also use that date as the ending date for the payroll period selected for the VETS-100 Report.

Name and Address for Single Establishment Employers COMPLETE the identifying information under the Parent Company name and address section. LEAVE BLANK all of the identifying information for the Hiring Location.

Name and Address for Multi Establishment Employers **For parent company headquarters location,** COMPLETE the name and address for the parent company headquarters, LEAVE BLANK the name and address of the Hiring Location. **For hiring locations of a parent company,** COMPLETE the name and address for the Parent Company location, COMPLETE the name and address for the Hiring Location.

NAICS Code, DUNS Number, and Employer ID Number Single Establishment and Multi Establishment Employers must COMPLETE the NAICS Code, DUNS Number, and Employer ID Number, if available, as described below.

NAICS Code Enter the six (6) digit NAICS Code applicable to the hiring location for which the report is filed. If there is not a separate NAICS Code for the hiring location, enter the NAICS Code for the parent company.

Dun and Bradstreet I.D. Number (DUNS) If the company or any of its establishments has a Dun and Bradstreet Identification Number, please enter the nine (9) digit number in the space provided. If there is a specific DUNS Number applicable to the hiring location for which the report is filed, enter that DUNS Number. Otherwise, enter the DUNS number for the parent company.

Employer I.D. Number (EIN) Enter the nine (9) digit numbers assigned by the I.R.S. to the contractor. If there is a specific EIN applicable to the hiring location for which the report is filed, enter that EIN. Otherwise, enter the EIN for the parent company.

INFORMATION ON EMPLOYEES

Counting Veterans Some veterans will fall into more than one of the protected veteran categories. For example, a veteran may be both a special disabled veteran and a Vietnam era veteran. In such cases the veteran must be counted in each category. Newly separated veterans will be counted in the New Hires section of the VETS-100 Report only. In subsequent years, these veterans will no longer be considered newly separated veterans.

Number of Employees Select any payroll period ending between July 1 and August 31 of the current year. Provide all data for permanent full-time and part-time employees who were special disabled veterans, Vietnam-era veterans, or other protected veterans employed as of the ending date of the selected payroll period. Do not include employees specifically excluded as indicated in 41 CFR 61-250.2(b)(2). Employees must be counted by veteran status for each of the nine occupational categories (Lines 1-9) in columns L, M, and N. The description of job categories can be found in 41 CFR 61-250.2(b)(3). Blank spaces will be considered zeros.

New Hires Report the number of permanent full-time and part-time employees by veteran status who were hired (both veterans and non-veterans) and who were included in the payroll for the first time during the 12-month period ending between July 1 through August 31 of the current year. The totals in columns O, P, R, and S (Line 10) are required. The total in column Q is optional for 2002 reporting cycle. Enter all applicable numbers, including zeros.

Maximum/Minimum Employees Report the maximum and minimum number of permanent employees on board during the period covered as indicated by 41 CFR 61-250.10(a)(3). Contractors may use any reasonable method for calculating and determining the maximum and minimum number of employees during the reporting period.

DEFINITIONS:

'Hiring location' means an establishment as defined at 41 CFR 61 250.2(b).

'Special Disabled Veteran' means (i) a veteran of the U.S. military, ground, naval or air service who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Department of Veterans' Affairs for a disability (A) rated at 30 percent or more, or (B) rated at 10 or 20 percent in the case of a veteran who has been determined under Section 38 U.S.C. 3106 to have a serious employment handicap or (ii) a person who was discharged or released from active duty because of a service-connected disability.

'Veteran of the Vietnam-era' means a person who: (i) served on active duty in the U.S. military, ground, naval or air service for a period of more than 180 days, and who was discharged or released therefrom with other than a dishonorable discharge, if any part of such active duty was performed: (A) in the Republic of Vietnam between February 28, 1961, and May 7, 1975; or (B) between August 5, 1964, and May 7, 1975, in all other cases; or (ii) was discharged or released from active duty in the U.S. military, ground, naval or air service for a service-connected disability if any part of such active duty was performed (A) in the Republic of Vietnam between February 28, 1961, and May 7, 1975; or (B) between August 5, 1964, and May 7, 1975, in any other location.

'Newly Separated Veterans' means any veteran who served on active duty in the U.S. military, ground, naval or air service during the one-year period beginning on the date of such veteran's discharge or release from active duty.

'Other Protected Veterans' means veterans who served on active duty in the U.S. military, ground, naval or air service during a war or in a campaign or expedition for which a campaign badge has been authorized. For those with Internet access, the information required to make this determination is available at http://www.opm.gov/veterans/html/vgmedal2.htm. A replica of that list is enclosed with the annual VETS-100 mailing. A copy of the list also may be obtained by sending an e-mail to OtherVets@vets100.com or by calling (703) 461-2460 and requesting that a copy of the list be mailed to you.

(These instructions correspond to the Form with OMB No. 1293-0005 that expires 12/31/xxxx)

Public reporting burden for this collection is estimated to average 45 minutes per response, including the time for reviewing instructions, searching existing data source, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to the Department of Labor, Office of Information Management, Room N-1301, 200 Constitution Avenue, NW, Washington D.C. 20210. All completed VETS-100 Reports should be sent to the address indicated on the front of the form.

[FR Doc. 02–28647 Filed 11–8–02; 8:45 am]

BILLING CODE 4510–79–C

LEGAL SERVICES CORPORATION

Notice of Intent To Award—Grant Awards for the Provision of Civil Legal Services to Eligible Low-Income Clients, for Service Area NJ–18 in New Jersey, Beginning January 1, 2003

AGENCY: Legal Services Corporation.

ACTION: Announcement of intention to make FY 2003 Competitive Grant Awards.

SUMMARY: The Legal Services Corporation (LSC) hereby announces its intention to award grants and contracts to provide economical and effective delivery of high quality civil legal services to eligible low-income clients, for service area NJ–18 in New Jersey, beginning January 1, 2003.

DATES: All comments and recommendations must be received on or before the close of business on December 12, 2002.

ADDRESSES: Legal Services Corporation—Competitive Grants, Legal Services Corporation, 750 First Street NE., 10th Floor, Washington, DC 20002–4250.

FOR FURTHER INFORMATION CONTACT: Reginald Haley, Office of Program Performance, (202) 336–8827.

SUPPLEMENTARY INFORMATION: Pursuant to LSC's announcement of funding availability on June 24, 2002 (67 FR 42588), LSC proposes to award funds to Hudson County Legal Services Corporation to provide civil legal services in service area NJ–18, which comprises Bergen, Hudson, and Passaic counties. The funding amount is $1,601,604. The amount is based on the 2000 census data as discussed in LSC Program Letter 02–8. This amount is subject to change.

Grants and contracts are under the authority conferred on LSC by the Legal Services Corporation Act, as amended (42 U.S.C. 2996e(a)(1)). Awards will be made to assure that the service area is served, however, Hudson County Legal Services Corporation is not guaranteed an award or contract.

This public notice is issued pursuant to the LSC Act (42 U.S.C. 2996f(f)), with a request for comments and recommendations concerning the potential grantee within a period of thirty (30) days from the date of publication of this notice. Grants will become effective and grant funds will be distributed on or about January 1, 2003.

Dated: November 6, 2002.

Michael A. Genz,

Director, Office of Program Performance, Legal Services Corporation.

[FR Doc. 02–28665 Filed 11–8–02; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 02–132]

Government-Owned Inventions, Available for Licensing

AGENCY: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below are assigned to the National Aeronautics and Space Administration, have been filed in the United States Patent and Trademark Office, and are available for licensing.

DATES: November 12, 2002.

FOR FURTHER INFORMATION CONTACT: Rob Padilla, Patent Counsel, Ames Research Center, Mail Code 202A–4, Moffett Field, CA 94035–1000; telephone (650) 604–5104, fax (650) 604–2767.

NASA Case No. ARC–14662–1: Extensible Database Framework For Management Of Unstructured And Semi-Structured Documents;

NASA Case No. ARC–14940–1: Bucky Paper As A Support Membrane In Retinal Cell Transplantation.

Dated: November 4, 2002.

Robert M. Stephens,

Deputy General Counsel.

[FR Doc. 02–28560 Filed 11–8–02; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (02–133)]

Government-Owned Inventions, Available for Licensing

AGENCY: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below are assigned to the National Aeronautics and Space Administration, have been filed in the United States Patent and Trademark Office, and are available for licensing.

DATE(S): November 12, 2002.

FOR FURTHER INFORMATION CONTACT: Kent N. Stone, Patent Counsel, Glenn Research Center at Lewis Field, Mail Code 500–118, Cleveland, OH 44135; telephone (216) 433–8855, fax (216) 433–6790.

NASA Case No. LEW–16056–5: Design And Manufacturing Processes Of Long-Life Hollow Cathode Assemblies;

NASA Case No. LEW–16056–6: Design And Manufacturing Processes Of Long-Life Hollow Cathode Assemblies;

NASA Case No. LEW–16056–7: Design And Manufacturing Processes Of Long-Life Hollow Cathode Assemblies;

NASA Case No. LEW–17110–2: Method For Forming MEMS-based Spinning Nozzle;

NASA Case No. LEW–17157–1: Method For Production Of Atomic Scale Step Height Reference Specimens With Atomically Flat Surfaces;

NASA Case No. LEW–17167–1: Radio Frequency (RF) Telemetry System For Sensors And Actuators;

NASA Case No. LEW–17222–1: A Method Of Packaging A Silicon Carbide High Temperature Anemometer;

NASA Case No. LEW–17230–1: Compact Plasma Accelerator For Micro-propulsion And Low Energy Materials Processing;

NASA Case No. LEW–17241–1: Stereo Imaging Velocimetry System And Method NASA Case No. LEW–17274–1: Multilayer Article Having Stabilized Zirconia Outer Layer And Chemical Barrier Layer;

NASA Case No. LEW–17291–1: Improved Processing For Polyimdes Via Concentrated Solid Monomer Reactants Approach

Dated: November 4, 2002.

Robert M. Stephens,

Deputy General Counsel.

[FR Doc. 02–28561 Filed 11–8–02; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 02–134]

Government-Owned Inventions, Available for Licensing

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The invention listed below is assigned to the National Aeronautics and Space Administration, has been filed in the United States Patent and Trademark Office, and is available for licensing.

DATES: November 12, 2002.

FOR FURTHER INFORMATION CONTACT: Bryan Geurts, Goddard Space Flight Center, Mail Code 503, Greenbelt, MD 20771; telephone (301) 286–7351; fax (301) 286–9502.

NASA Case No. GSC–14525–1: Passive Gas-Gap Heat Switches For Use With Adiabatic Demagnetization Refrigerators.

Dated: November 4, 2002.

Robert M. Stephens,

Deputy General Counsel.

[FR Doc. 02–28562 Filed 11–8–02; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 02–135]

Government-Owned Inventions, Available for Licensing

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The invention listed below is assigned to the National Aeronautics and Space Administration, have been filed in the United States Patent and Trademark Office, and are available for licensing.

DATES: November 12, 2002.

FOR FURTHER INFORMATION CONTACT: John Kusmiss, Patent Counsel, NASA Management Office—JPL, 4800 Oak Grove Drive, Mail Stop 180–801, Pasadena, CA 91109; telephone (818) 354–7770.

NASA Case No. NPO–21136–1: An Improved Disc Player, Read Head Unit And Method Of Reading Data From An Optical Disc;

NASA Case No. NPO–30323–1: Very High Efficiency, Miniaturized, Long Life Alpha Particle Power Source, Using Diamond Devices, For Extreme Space Environments.

Dated: November 4, 2002.

Robert M. Stephens,

Deputy General Counsel.

[FR Doc. 02–28563 Filed 11–8–02; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 02–136]

Government-Owned Inventions, Available for Licensing

ACTION: Notice of Availability of Inventions for Licensing.

SUMMARY: The inventions listed below are assigned to the National Aeronautics and Space Administration, have been filed in the United States Patent and Trademark Office, and are available for licensing.

DATES: November 12, 2002.

FOR FURTHER INFORMATION CONTACT: Edward Fein, Patent Counsel, Johnson Space Center, Mail Code HA, Houston, TX 77058–3696, telephone (281) 483–4871; fax (281) 244–8452.

NASA Case No. MSC–22330–1: Means to Provide Enhanced Protection from High-Density Orbital Debris Particles;

NASA Case No. MSC–22863–1: Centrifugal Adsorption Cartridge System (CACS);

NASA Case No. MSC–22996–1: Fluid Bubble Eliminator (FBE);

NASA Case No. MSC–23196–1: Design Concept For Load Selectable Constant Load Device For The Subject Load Device (SLD) And Resistive Exercise Device (RED) For The International Space Station;

NASA Case No. MSC–23424–1: Method for Identifying Sedimentary Bodies From Images and its Application to Mineral Exploration;

NASA Case No. MSC–23443–1: Method And Apparatus For Deploying A Hypervelocity Shield

Dated: November 4, 2002.

Robert M. Stephens,

Deputy General Counsel.

[FR Doc. 02–28564 Filed 11–8–02; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 02–137]

Government-Owned Inventions, Available for Licensing

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The invention listed below is assigned to the National Aeronautics and Space Administration, have been filed in the United States Patent and Trademark Office, and are available for licensing.

DATES: November 12, 2002.

FOR FURTHER INFORMATION CONTACT: Linda Blackburn, Patent Counsel, NASA Langley Research Center, Mail Code 212, Hampton, VA 23681–2199; telephone (757) 864–9260, fax (757) 864–9190.

NASA Case No. LAR–15602–2: Method For Simultaneously Making A Plurality Of Acoustic Signal Sensor Elements;

NASA Case No. LAR–15927–1: Improved Non-Destructive Evaluation Method Employing Dielectric Electrostatic Ultrasonic Transducers;

NASA Case No. LAR–16237–1: Reusable Module For The Storage, Transportation, And Supply Of Multiple Propellants In A Space Environment;

NASA Case No. LAR–16262–1: Non-Destructive Evaluation Of Wire Insulation And Coatings;

NASA Case No. LAR–16440–1: Non-Invasive Method Of Determining Diastolic Intracranial Pressure;

NASA Case No. LAR–16510–1: Non-Invasive Method Of Determining Absolute Intracranial Pressure.

Dated: November 4, 2002.

Robert M. Stephens,

Deputy General Counsel.

[FR Doc. 02–28565 Filed 11–8–02; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 02–138]

Government-Owned Inventions, Available for Licensing

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The invention listed below is assigned to the National Aeronautics and Space Administration, have been filed in the United States Patent and Trademark Office, and are available for licensing.

DATES: November 12, 2002.

FOR FURTHER INFORMATION CONTACT: James McGroary, Patent Counsel, Marshall Space Flight Center, Code LS01, Huntsville, AL 35812; telephone (256) 544–0013; fax (256) 544–0258.

NASA Case No. MFS–31294–2–CIP2: Aluminum Alloy And Article Cast Therefrom;

NASA Case No. MFS–31557–1: Sensor Instrumented Pin-Tools For Friction Stir Welding;

NASA Case No. MFS–31593–1: Thermal Insulating Coating;

NASA Case No. MFS–31646–1: Liquid Propellant Tracing Impingement Injector

NASA Case No. MFS–31727–1: Pressure Vessel With Impact And Fire Resistant Coating And Method Of Making Same;

NASA Case No. MFS–31761–1: Electro-Mechanical Coaxial Valve;

NASA Case No. MFS–31768–1: Magnetic Symbology Reader;

NASA Case No. MFS–31783–1: Enhanced Airport Luggage Screening System.

Dated: November 4, 2002.

Robert M. Stephens,

Deputy General Counsel.

[FR Doc. 02–28566 Filed 11–8–02; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 02–139]

Government-Owned Inventions, Available for Licensing

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The invention listed below is assigned to the National Aeronautics and Space Administration, have been filed in the United States Patent and Trademark Office, and are available for licensing.

DATES: November 12, 2002.

FOR FURTHER INFORMATION CONTACT: Randy Heald, Patent Counsel, Kennedy Space Center, Mail Code CC–A, Kennedy Space Flight Center, FL 32899; telephone (321) 867–7214, fax (321) 867–1817.

NASA Case No. KSC–12220: Current Signature Sensor;

NASA Case No. KSC–12296: Signal-Conditioning Amplifier Recorder.

Dated: November 4, 2002.

Robert M. Stephens,

Deputy General Counsel.

[FR Doc. 02–28567 Filed 11–8–02; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 02–140]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Ooltewah Manufacturing, Inc., of Ooltewah, TN, has applied for a partially exclusive patent license for the Communications Interface for Wireless Communications Headset, U.S. Serial No. 09/631,155, which is assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Randall M. Heald, Assistant Chief Counsel/Patent Counsel, and John F. Kennedy Space Center.

DATES: Responses to this Notice must be received within 15 days from date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Randall M. Heald, Assistant Chief Counsel/Patent Counsel, John F. Kennedy Space Center, Mail Code: CC–A, Kennedy Space Center, FL 32899, telephone (321) 867–7214.

Dated: November 4, 2002.

Robert M. Stephens,

Deputy General Counsel.

[FR Doc. 02–28568 Filed 11–8–02; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before December 27, 2002. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

ADDRESSES: To request a copy of any records schedule identified in this notice, write to the Life Cycle Management Division (NWML), National Archives and Records Administration (NARA), 8601 Adelphi Road, College Park, MD 20740–6001. Requests also may be transmitted by FAX to 301–837–3698 or by e-mail to *records.mgt@nara.gov*. Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Larry Baume, Acting Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: 301–837–1505. E-mail: *records.mgt@nara.gov*.

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If

NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

Schedules Pending

1. Department of the Air Force, Air Force Clemency and Parole Board (N1–AFU–02–19, 2 items, 2 temporary items). Case files relating to the Board's consideration of clemency or parole for inmates in correctional institutions. Included are such records as summary sheets of the inmate's history, correspondence from third parties supporting or opposing clemency or parole, and copies of letters conveying the Board's decision to the inmate. Also included are electronic copies of records created using electronic mail and word processing.

2. Department of Commerce, National Oceanic and Atmospheric Administration (N1–370–02–2, 4 items, 4 temporary items). Records documenting the issuance of permits for the harvesting of halibut and sablefish. Included are such records as individual fishing permits and registered buyer certificate files. Also included are electronic copies of records created using electronic mail and word processing.

3. Department of Defense, Defense Commissary Agency, (N1–506–02–8), 92 items, 90 temporary items). Records relating to public affairs and historical program activities. Included are such records as staff biographies, speakers bureau files, community relations guidance, news releases, corporate communications guidance, customer surveys, special events plans, historical resource material, and still photographs. Also included are electronic copies of documents created using electronic mail and word processing. Recordkeeping copies of agency history files are proposed for permanent retention. This schedule authorizes the agency to apply the proposed disposition instructions to any recordkeeping medium.

4. Department of Health and Human Services, Centers for Disease Control and Prevention (N1–442–02–1, 4 items, 3 temporary items). Records of the Office of Health and Safety that relate to the activities of committees dealing with routine administrative functions, such as office relocations and parking facilities. Also included are electronic copies of documents associated with committees that are created using electronic mail and word processing. Proposed for permanent retention are recordkeeping copies of agendas, minutes, reports, and other records created by committees that deal with substantive agency functions.

5. Department of Health and Human Services, Centers for Medicare and Medicaid Services (N1–440–02–2, 12 items, 11 temporary items). Records of the Office of Hearings, including such files as background papers relating to manuals and other issuances, electronic case tracking records and related outputs, hearing decision case files, denial of provider enrollment applications, and electronic copies of records created using electronic mail and word processing. Recordkeeping copies of manuals, directives, and other issuances are proposed for permanent retention.

6. Department of Housing and Urban Development, Office of the Chief Information Officer (N1–207–02–7, 3 items, 3 temporary items). Records relating to the development of an automated system for managing departmental grants that was not implemented. Included are such records as training materials, meeting minutes, feasibility studies, and project plans. Also included are electronic copies of records created using electronic mail and word processing.

7. Department of Veterans Affairs, Veterans Health Administration (N1–15–02–2, 3 items, 3 temporary items). Files relating to actions taken by agency security and law enforcement personnel. Included are such records as statements of witnesses, reports, and other investigative materials. Electronic copies of records created using electronic mail and word processing are also included.

8. Department of the Navy, Agency-wide, (N1–NU–02–05, 18 items, 16 temporary items). Records relating to foreign disclosure policy. Included are authorizations, recommendations, and delegations of authority. Also included are electronic copies of records created using electronic mail and word processing. Proposed for permanent retention are recordkeeping copies of policy decision memoranda and formal updates to Navy information security instructions.

9. Department of Transportation, Research and Special Programs Administration (N1–467–02–1, 3 items, 3 temporary items). Exemption case file drawings that cannot be scanned into the agency's optical disk system. Electronic copies of these records created using electronic mail and word processing are also included.

10. Federal Emergency Management Agency, Federal Insurance and Mitigation Administration (N1–311–02–1, 4 items, 3 temporary). Records relating to the national flood insurance program, including floodplain management implementation files, biennial reports, and electronic copies of documents created using electronic mail and word processing. Proposed for permanent retention are recordkeeping copies of floodplain management policy files.

11. National Archives and Records Administration, Office of the Archivist (N1–64–03–1, 7 items, 7 temporary items). Inputs, outputs, and master files relating to the Performance Measurement and Reporting System, which is used for collecting and publishing statistical data concerning agency performance goals established in accordance with the Government Performance and Results Act. Also included are electronic copies of records created using electronic mail and word processing.

12. Nuclear Regulatory Commission, Office of the Secretary of the Commission (N1–431–02–1, 4 items, 4 temporary items). Electronic copies of documents created using electronic mail and word processing that are associated with such records as recommendations submitted to the Commission for decision, action memoranda, and general program correspondence files. Recordkeeping copies of these files were previously scheduled.

13. Nuclear Regulatory Commission, Office of the Commission (N1–431–02–2, 4 items, 3 temporary items). Electronic copies of documents created using electronic mail and word processing that are associated with records maintained in commissioners' chronological files, office files of the chairman and commissioners, and schedules of daily activities. Recordkeeping copies of schedules of daily activities are proposed for permanent retention. Recordkeeping copies of the other series included in this disposition request were previously scheduled for permanent retention.

Dated: November 5, 2002.

Michael J. Kurtz,

Assistant Archivist for Record Services—Washington, DC.

[FR Doc. 02–28626 Filed 11–8–02; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–528–OLA; ASLBP No. 03–804–01–OLA]

Arizona Public Service Company, Palo Verde Nuclear Generating Station, Unit 1; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28,710 (1972), and sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, 2.721, and 2.772(j) of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to preside over the following proceeding:

Arizona Public Service Company, Palo Verde Nuclear Generating Station, Unit 1.

This Board is being established pursuant to a notice of consideration of issuance of operating license amendment, proposed no significant hazards consideration determination, and opportunity for a hearing published in the **Federal Register** (67 FR 62,079 (Oct. 3, 2002)). The proceeding involves a petition for intervention submitted October 14, 2002, by the National Environmental Protection Center challenging a request by the Arizona Public Service Company to amend the operating license for the Palo Verde Nuclear Generating Station, Unit 1. The amendment would change a facility technical specification to revise the scope of the required inspection of the tube in the steam generator tubesheet region.

The Board is comprised of the following administrative judges:

Ann M. Young, Chair, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Richard F. Cole, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Thomas D. Murphy, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

All correspondence, documents, and other materials shall be filed with the administrative judges in accordance with 10 C.F.R. 2.701.

Issued at Rockville, Maryland, this 5th day of November, 2002.

G. Paul Bollwerk, III,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 02–28671 Filed 11–8–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–143]

Nuclear Fuel Services, Inc.

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of issuance; correction.

SUMMARY: This notice corrects a previous notice appearing in the **Federal Register** on October 30, 2002 (67 FR 66172), that considers issuance of an amendment of Materials License SNM–124. This notice is necessary to correct an erroneous Agencywide Documents Access and Management System (ADAMS) accession number, and to add the address of the attorney for the licensee.

FOR FURTHER INFORMATION CONTACT: Mary Adams, Office of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–7249, e-mail: *mta@nrc.gov.*

SUPPLEMENTARY INFORMATION: On page 66172, in the third column, in the second complete paragraph, the ADAMS accession number is changed from ''ML02730343,'' to read ''ML020730343''. Also, on page 66173, second column, fifth paragraph should be changed from ''(1) The applicant, Nuclear Fuel Services, 1205 Banner Hill Road, Erwin, Tennessee, 37650–9718. A copy of the request for hearing should also be sent to the attorney for the licensee;'' to ''(1) The applicant, Nuclear Fuel Services, 1205 Banner Hill Road, Erwin, Tennessee, 37650–9718. A copy of the request for hearing should also be sent to the attorney for the licensee, Daryl Shapiro, c/o Shaw Pittman, L.L.P., 2300 N. Street, NW., Washington, DC 20037;''.

Dated in Rockville, Maryland, this 5th day of November, 2002.

For the U.S. Nuclear Regulatory Commission.

Daniel Gillen, Chief,

Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Materials Safety and Safeguards.

[FR Doc. 02–28670 Filed 11–8–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 70–7001 and 70–7002]

Paducah Gaseous Diffusion Plant; Portsmouth Gaseous Diffusion Plant; United States Enrichment Corporation; Notice of Approval of Request for Exemption

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of approval of request for exemption.

SUMMARY: The Nuclear Regulatory Commission (Commission) is approving, upon publication of this notice, a request for an exemption from the requirement to submit written event follow-up reports within 30 days for the Paducah Gaseous Diffusion Plant and the Portsmouth Gaseous Diffusion Plant operated by the United States Enrichment Corporation (USEC). The exemption will allow up to 60 days for submitting written event follow-up reports, instead of the 30 days specified in 10 CFR 76.120(d)(2). The NRC has prepared an environmental assessment with a finding of no significant impact on the request.

FOR FURTHER INFORMATION CONTACT: Dan E. Martin, Project Manager, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: (301) 415–7254, e-mail *dem1@nrc.gov.*

SUPPLEMENTARY INFORMATION: The Commission is approving the issuance of an exemption from the requirement to submit written event follow-up reports in 30 days, pursuant to 10 CFR part 76, for the Paducah Gaseous Diffusion Plant (PGDP) and the Portsmouth Gaseous Diffusion Plant (PORTS), both operated by USEC. Both facilities are authorized to use Special Nuclear Material (SNM) in the enrichment of natural uranium to prepare low-enriched uranium to be used by others in the fabrication of nuclear fuel pellets and fuel assemblies, although enrichment operations have ceased at PORTS. The PGDP facility is located near Paducah, Kentucky, and the PORTS facility is located near Piketon, Ohio.

Pursuant to 10 CFR part 76.120(a), (b), and (c), certain events are required to be reported to the NRC within 1, 4, or 24 hours, respectively. For example, an inadvertent criticality event must be reported to NRC within 1 hour. In such cases, Section 76.120(d)(2) requires that a written event follow-up report be submitted within 30 days of the initial

report. Written event follow-up reports must include: (1) A description of the event, including the probable cause and the manufacturer and model number of any equipment that failed; (2) the exact location of the event; (3) a description of the isotopes, quantities, and chemical and physical form of the material involved; (4) the date and time of the event; (5) the causes, including the direct cause, the contributing cause, and the root cause; (6) corrective actions taken or planned and the results of any evaluations or assessments; (7) the extent of exposure of individuals to radiation or to radioactive materials; and (8) lessons learned from the event.

Because of the comprehensive nature of event follow-up reports, the initial 30-day report is often incomplete because event analysis and root cause determinations are not completed within 30 days. In these cases, a supplemental report must be submitted when information is complete. In recognition of this, the NRC revised 10 CFR part 50, for nuclear power reactors, to allow 60 days for submitting event follow-up reports (**Federal Register**, October 25, 2000, Volume 65, No. 207, pp. 63769–63789). Considerations mentioned in connection with revising Part 50 included that the increased time would allow for completion of required engineering evaluations after event discovery, provide for more complete and accurate event reports, and result in fewer event report revisions and supplemental reports. Similar considerations apply to the Paducah and Portsmouth GDPs and the NRC staff has determined that the exemption should be granted. The NRC staff has prepared an environmental assessment of the proposed action and made a finding of no significant impact.

Environmental Assessment

Identification of the Proposed Action

The proposed action would allow written event follow-up reports required pursuant to 10 CFR 76.120(d)(2) to be submitted within 60 days instead of the 30 days specified in the regulation, for the Paducah and Portsmouth GDPs operated by USEC. The proposed action is in accordance with USEC's request for exemption dated September 5, 2001.

Need for the Proposed Action

The proposed action is needed to reduce the number of revised and supplemental written event reports made necessary because complete information is not available within the 30 days allowed by the regulation. USEC has provided data for the Paducah GDP indicating that, since NRC began regulating the facility in March 1997, 21 of a total of 84 written event follow-up reports would have been unnecessary if the requirement for submittal of written event follow-up reports had been 60 days instead of the current 30-day requirement. USEC stated that these 21 reports were submitted only to meet the 30-day requirement, and, in each case, the root cause analysis was ongoing at the time the 30-day report was submitted and a subsequent report was required when the root cause analysis was completed. Similar data for the Portsmouth facility has not been requested or provided since it would not be useful in view of the recent termination of virtually all NRC-regulated operations at the Portsmouth facility. However, the same general considerations apply for Portsmouth, but at a reduced scale since the number of reportable events is expected to be decreased but not eliminated altogether.

Environmental Impacts of the Proposed Action

The proposed action would not materially affect the responsiveness of USEC or the NRC to events that do occur and are reported. Changing the time limit from 30 days to 60 days for events reported under Part 76 does not imply that USEC should take longer to develop and implement corrective actions, which should continue to be taken on a time scale commensurate with the safety significance of the issue. It has no impact on initial notifications to the NRC as the change only applies to written event follow-up reports. Also, the NRC will continue to have resident inspectors at the Paducah facility to provide monitoring and evaluation of USEC's responses to events as they are implemented. One reason the NRC scrutinizes written event reports is to evaluate the potential for generic safety concerns that might exist at other, similar facilities. Since the Paducah facility has no comparable counterpart other than the Portsmouth facility, which has terminated all enrichment and most other operations, the potential for identifying generic safety concerns is severely limited. On balance, the NRC believes the reduction in burden on USEC and NRC achieved by reducing the number of revised and supplemental event reports will be the primary impact of granting the requested exemption.

The proposed exemption should have no impact on the effectiveness of USEC's response to reportable events. The proposed action should not increase the probability or consequences of accidents as there is no change in the time period for taking corrective action. No changes are being made in the amounts or types of any effluents that could be released offsite, and there is no increase in individual or cumulative radiation exposure. Accordingly, the Commission concludes that there are no significant radiological impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the proposed action would result in no change in environmental impacts and would result in hardship to USEC. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

The proposed action does not involve the use of any resources beyond those already necessary to prepare and submit event follow-up reports, and would likely reduce the expenditure of such resources by reducing the number of revised and supplemental event reports required to be submitted.

Agencies and Persons Consulted

In accordance with its stated policy, the NRC staff consulted with: (1) State of Illinois official Thomas Ortciger, Director, Illinois Department of Nuclear Safety; (2) State of Kentucky official Janice H. Jasper, Radiation Health and Toxic Agents Branch, Cabinet for Health Services; (3) State of Ohio official, Carol O'Claire, Supervisor, Radiological Branch, Ohio Emergency Management Agency; and (4) U.S. Department of Energy official Randall M. DeVault, Group Leader, Transition and Technology Group, Office of Nuclear Fuel Security and Uranium Technology, regarding the environmental impact of the proposed action. No objections were received.

Consultations with the U.S. Fish and Wildlife Service and the State Historic Preservation Officer were not performed because of the lack of any conceivable impact to fish and wildlife or historic assets.

Finding of No Significant Impact

Based on the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the

Commission has determined not to prepare an environmental impact statement for the proposed action.

List of Preparers

This document was prepared by Dan E. Martin, Project Manager, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards. Mr. Martin is the Project Manager for the Paducah Gaseous Diffusion Plant.

For further details with respect to the proposed action, see the USEC letter request dated September 5, 2001, and USEC's response to a request for additional information, dated October 2, 2002, available for public inspection at the Commission's Public Document Room at One White Flint North, 11555 Rockville Pike (first floor), Rockville, MD, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (*http://www.nrc.gov/reading-rm/adams.html*).

Dated at Rockville, Maryland this 24th day of October, 2002.

For the Nuclear Regulatory Commission.

Daniel M. Gillen,

Chief, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 02–28669 Filed 11–8–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 138th meeting on November 19–21, 2002, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The schedule for this meeting is as follows:

Tuesday, November 19, 2002, NRC Auditorium, 11545 Rockville Pike, Rockville, MD

A. *8:30–8:40 a.m.: Introductory Comments, Statement of Objectives and Overview* (Open)—The Chairman will open the meeting and then turn it over to the Working Group Chairman who will state the objectives of the Workshop and provide an overview of the sessions.

Transportation Working Group Workshop

B. *8:40–5:45 p.m.: Transportation Working Group Workshop* (Open)—The Committee will hear presentations from and hold discussions with staff, industry, and government representatives regarding testing and analysis performed to assess the safety of spent fuel transportation packages.

Wednesday, November 20, 2002, Conference Room 2B3, Two White Flint North, Rockville, Maryland

C. *10–10:05 a.m.: Opening Statement* (Open)—The Chairman will make opening remarks regarding the conduct of today's sessions.

D. *10:05–11:30 a.m.: Igneous Activity Update* (Open)—The Committee will hear a presentation by a representative of the NRC staff updating the Committee on recent activities on the igneous activity issue at Yucca Mountain.

E. *12:30–12:35 p.m.: Opening Remarks* (Open)—The Working Group Chairman will provide opening remarks for this session.

F. *12:35—6:30 p.m.: Transporation Working Group Workshop (Continued)* (Open)–The Committee will hear presentations from and hold discussions with staff, industry, and government representatives regarding spent fuel transportation safety in the U.S.

Thursday, November 21, 2002, Conference Room 2B3, Two White Flint North, Rockville, Maryland

G. *8:30–8:35 a.m.: Opening Statement* (Open)—The Chairman will make opening remarks regarding the conduct of today's sessions.

H. *8:35–10:30 a.m.: Commission Presentation* (Open)—The Committee will discuss its presentation for the December 18, 2002 public meeting with the Commission. Topics proposed:

- HLW Program Risk Insights Initiative
- Spent Fuel Transportation
- Waste Package Performance
- Igneous Activity at Yucca Mountain
- Yucca Mountain Review Plan

I. *10:45–3 p.m.: Preparation of ACNW Reports* (Open)—The Committee will discuss proposed reports on the following topics:

- Principal Observations from September Trip to Yucca Mountain and Environs
- Observations from October Trip to Swedish Waste
- Management Facilities and Berlin Quadripartite Meeting
- Comparison of TSPA and TPA Results
- Conclusions Regarding the Safety of Spent Nuclear Fuel Transporation

J. *3–3:15 p.m.: Miscellaneous* (Open)—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings were published in the **Federal Register** on October 11, 2002 (67 FR 63459). In accordance with these procedures, oral or written statements may be presented by members of the public, electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify Mr. Howard J. Larson, ACNW (Telephone 301/415–6805), between 7:30 a.m. and 4 p.m. EST, as far in advance as practicable so that appropriate arrangements can be made to schedule the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting will be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for taking pictures may be obtained by contacting the ACNW office, prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should notify Mr. Howard J. Larson as to their particular needs.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by contacting Mr. Howard J. Larson.

ACNW meeting notices, meeting transcripts, and letter reports are now available for downloading or viewing on the Internet at *http://www.nrc.gov/ACRSACNW.*

Videoteleconferencing service is available for observing open sessions of ACNW meetings. Those wishing to use this service for observing ACNW meetings should contact Mr. Theron Brown, ACNW Audiovisual Technician (301/415–8066), between 7:30 a.m. and 3:45 p.m. EST, at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the videoteleconferencing link. The availability of videoteleconferencing services is not guaranteed.

Dated: November 5, 2002.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 02–28672 Filed 11–8–02; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Act Meeting; Public Hearing

November 7, 2002.

OPIC's Sunshine Act notice of its public hearing was published in the **Federal Register** (Volume 67, Number 206, Page 65379 and 65380) on October 24, 2002. No requests were received to provide testimony or submit written statements for the record; therefore, OPIC's public hearing in conjunction with OPIC's November 14, 2002 Board of Directors meeting scheduled for 2 PM on November 7, 2002 has been cancelled.

CONTACT PERSON FOR INFORMATION: Information on the hearing cancellation may be obtained from Connie M. Downs at (202) 336–8438, via facsimile at (202) 218–0136, or via email at cdown@opic.gov.

Dated: November 7, 2002.

Connie M. Downs,

OPIC Corporate Secretary.

[FR Doc. 02–28763 Filed 11–7–02; 12:12 pm]

BILLING CODE 3210–01–M

PENSION BENEFIT GUARANTY CORPORATION

Proposed Submission of Information Collection for OMB Review; Comment Request; Reportable Events

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of intention to request extension of OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation (''PBGC'') intends to request that the Office of Management and Budget (''OMB'') extend approval, under the Paperwork Reduction Act, of the collection of information under part 4043 of its regulations relating to Reportable Events (OMB control number 1212–0013; expires February 28, 2003). This notice informs the public of the PBGC's intent and solicits public comment on the collection of information.

DATES: Comments should be submitted by January 13, 2003.

ADDRESSES: Comments may be mailed to the Office of the General Counsel, Suite 340, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026, or delivered to that address during normal business hours.

Copies of the collection of information may be obtained without charge by writing to the PBGC's Communications and Public Affairs Department at the above address or by visiting that office or calling 202–326–4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040.) The reportable events regulations, forms, and instructions may be accessed on the PBGC's Web site at *www.pbgc.gov.*

FOR FURTHER INFORMATION CONTACT: James L. Beller, Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026, 202–326–4024. (For TTY and TDD users, call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: Section 4043 of the Employee Retirement Income Security Act of 1974 (ERISA) requires plan administrators and plan sponsors to report certain plan and corporate events to the PBGC. The reporting requirements give the PBGC timely notice of events that indicate plan or employer financial problems. The PBGC uses the information provided in determining what, if any, action it needs to take. For example, the PBGC might need to institute proceedings to terminate the plan (placing it in trusteeship) under section 4042 of ERISA to ensure the continued payment of benefits to plan participants and their beneficiaries or to prevent unreasonable increases in its losses.

The collection of information under the regulation has been approved through February 28, 2003, by OMB under control number 1212–0013. The PBGC intends to request that OMB extend approval for another three years. 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 PBGC estimates that it will receive 537 reportable events per year under this collection of information. The PBGC further estimates that the average annual burden of this collection of information is 2,260 hours and $452,000.

The PBGC is soliciting public comments to—

- Evaluate whether the 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 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 submission of responses.

Issued in Washington, DC, this 5th day of November, 2002.

Stuart Sirkin,

Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation.

[FR Doc. 02–28650 Filed 11–8–02; 8:45 am]

BILLING CODE 7708–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of November 11, 2002:

An Open Meeting will be held on Wednesday, November 13, 2002, at 10 a.m., in Room 1C30, the William O. Douglas Room, and a Closed Meeting will be held on Thursday, November 14, 2002, at 10 a.m.

Commissioner Atkins, as duty officer, determined that no earlier notice thereof was possible.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), (9)(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), (9)(ii) and (10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the open meeting scheduled for Wednesday, November 13, 2002 will be:

1. The Commission will consider whether to adopt proposed amendments to Form N–4, the registration form for insurance company separate accounts that are registered as unit investment trusts and that offer variable annuity contracts. The amendments would revise the format of the fee table of Form N–4 to require disclosure of the range of total expenses for all of the mutual funds offered through the separate account, rather than disclosure of the expenses of each fund. The Commission will also consider whether to adopt an amendment to the fee table of Form N–6, the registration form for variable life insurance policies that would require disclosure of the range of total expenses for all of the mutual funds offered, consistent with the amendments to the fee table of Form N–4.

2. The Commission will consider whether to propose for comment an amendment to Securities Exchange Act of 1934 (''Exchange Act'') Rule 17a–5(c) that would codify relief the Commission granted in a pilot program that exempted broker-dealers from the requirement of Exchange Act Section 17(e)(1)(B) and Rule 17a–5(c) thereunder to send their full balance sheet and certain net capital information to their customers twice a year. To take advantage of the exemption, a broker-dealer must send its customers the net capital information and must provide its customers instructions for obtaining its full balance sheet on its Web site and by request to a toll-free telephone number. The Commission will also consider whether to extend interim relief for three months, to March 31, 2003. The Commission granted the relief as a two-year pilot program ending December 31, 2001 (Exchange Act Release No. 42222, December 10, 1999) and then extended the program for one year, to December 31, 2002 (Exchange Act Release No. 45179, December 20, 2001).

The subject matter of the Closed Meeting scheduled for Thursday, November 14, 2002 will be:

Formal order of investigation;

Institution and settlement of administrative proceedings of an enforcement nature; and

Institution and settlement of injunctive actions.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942–7070.

Dated: November 7, 2002.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–28806 Filed 11–7–02; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27596]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

November 5, 2002.

Notice is hereby given that the following filing has been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application/declaration for a complete statement of the proposed transaction summarized below. The application/declaration is available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application/declaration should submit their views in writing by November 27, 2002, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant/declarant at the address specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After November 27, 2002, the application/declaration, as filed or as amended, may be granted and/or permitted to become effective.

Allegheny Energy, Inc., et al. (70–10100)

Allegheny Energy, Inc. (''Allegheny''), a registered public utility holding company, and its registered public utility holding company subsidiary, Allegheny Energy Supply Company, L.L.C. (''AE Supply,'' and with Allegheny, ''Applicants''), both located at 10435 Downsville Pike, Hagerstown, Maryland, have filed an application-declaration under sections 6(a), 7, 12, 32 and 33 of the Act, and rules 46, 53 and 54 under the Act.

I. Background

Allegheny is a diversified energy company headquartered in Hagerstown, Maryland. The Allegheny system consists of three regulated electric public utility companies, West Penn Power Company (''West Penn''), Monongahela Power Company (''Monongahela Power'') (Monongahela Power also has a regulated natural gas utility division as a result of its purchase of West Virginia Power), and The Potomac Edison Company (''Potomac Edison''), and a regulated public utility natural gas company, Mountaineer Gas Company (''Mountaineer Gas''), which is a wholly owned subsidiary of Monongahela Power (collectively West Penn, Monongahela Power, Potomac Edison and Mountaineer Gas are referred to as the ''Operating Companies'').

II. Requested Authority

A. Summary of Requests

By order dated December 31, 2001 (HCAR No. 27486), as supplemented by HCAR No. 27521 (April 17, 2002) and HCAR No. 27579 (Oct. 17, 2002) (collectively, the ''Financing Order''), the Commission authorized, through July 31, 2005 certain financing transactions. Applicants now request authorization (1) to modify the financing conditions set forth in the Financing Order, (2) for AE Supply to pay dividends out of capital surplus in an amount not to exceed $500 million; and (3) for Allegheny, AE Supply and their respective subsidiaries (other than the Operating Companies) to sell, or otherwise dispose of, utility assets and/or the securities of public utility companies (other than the Operating Companies).

B. Modification of Financing Conditions

Applicants request that the conditions to the financing authorizations in the Financing Order be modified for the period through December 31, 2003 (''Modified Authorization Period''), by replacing the conditions with the following:

1. the common stock equity ratio of Allegheny, on a consolidated basis, will not fall below 28% of its total capitalization; and the common stock equity ratio [1] of AE Supply, on a consolidated basis, will not fall below 20% of its total capitalization;

2. the effective cost of capital on any security will not exceed competitive market rates available at the time of issuance for securities having the same or reasonably similar terms and conditions issued by similar companies of reasonably comparable credit quality,

[1] Since AE Supply is a limited liability company, ''common stock equity'' means, for this purpose, the membership interests of AE Supply.

provided that in no event will the interest rate on any debt securities exceed an interest rate per annum equal to the sum of 12% plus the prime rate as announced by a nationally recognized money center bank;

3. the underwriting fees, commissions and other similar remuneration paid in connection with the non-competitive issuance of any security will not exceed the greater of (a) 5% of the principal or total amount of the securities being issued or (b) issuances expenses that are paid at the time in respect of the issuance of securities having the same or reasonably similar terms and conditions issued by similar companies of reasonably comparable credit quality;

4. the maturity of long-term debt will be not less than one year and will not exceed thirty years; and

5. short-term debt will have a maturity of not less than one day and not more than 364 days.

Applicants request that the financing authorizations granted in the Financing Order not be subject to the requirement that Allegheny and/or AE Supply maintain a common stock equity ratio above 30%, or above the levels stated in B.1. above. Rather, Applicants request that the financing authorizations granted in the Financing Order remain effective without regard to the common stock equity levels of Allegheny and/or AE Supply. Applicants request that the Commission reserve jurisdiction over the common stock equity ratio level to be maintained as a condition to the financing authorization for Allegheny and AE Supply below 28% in the case of Allegheny and 20% in the case of AE Supply.

Applicants request authorization to issue debt securities at an interest rate in excess of an interest rate per annum equal to the sum of 12% plus the prime rate as announced by a nationally recognized money center bank. Applicants request that the Commission reserve jurisdiction over any higher interest rate to be applicable to any debt securities to be issued under the Financing Order.

Applicants request that the financing authorizations granted in the Financing Order not be subject to the requirement that Allegheny maintain its senior unsecured long-term debt ratings, and the rating of any commercial paper that may be issued, at investment grade level, as established by a nationally recognized statistical rating organization. Applicants further request that Allegheny and AE Supply be authorized to issue short-term debt and/or long-term debt under those circumstances when the debt, upon issuance, is unrated or is rated below investment grade.

Applicants commit to file in a timely manner an application with the Commission if, or to the extent that, Applicants will seek relief from the requirement that they maintain a common stock equity ratio of at least 30% after December 31, 2003.

C. Payment of Dividends Out of Capital Surplus

Applicants also request authorization for AE Supply to pay dividends out of capital surplus of up to $500 million during the period ending December 31, 2003. Specifically, AE Supply proposes to declare and pay dividends to Allegheny only to the extent required by Allegheny to repay outstanding indebtedness in an aggregate principal amount of up to $365 million and to pay AE Supply's approximate proportionate share of interest on the outstanding notes of Allegheny in the amount of $11.625 million. To the extent that Allegheny does not require proceeds of dividends from AE Supply to repay these obligations, Applicants request that the Commission reserve jurisdiction over the declaration and payment of dividends by AE Supply out of capital surplus up to an aggregate amount of $500 million.

Applicants anticipate that, to meet the liquidity needs of Allegheny, AE Supply will be required to pay dividends in excess of its current and retained earnings. Allegheny and AE Supply represent that AE Supply will not declare or pay any dividend out of capital surplus in contravention of any law restricting the payment of dividends. In addition, AE Supply will comply with the terms of any credit agreements and indentures that restrict the amount and timing of distributions by AE Supply to its members.

D. Sale of Utility Assets

Applicants request authorization to sell securities of the public utility subsidiaries, other than the Operating Companies, held directly or indirectly by Applicants and to sell utility assets of Applicants and/or their subsidiaries, other than the Operating Companies. At this time Applicants cannot identify the specific assets to be sold. The identity of the assets to be sold will depend upon, among other things, market conditions.[2] As a result of the extraordinary circumstances existing in the merchant power market at this time, Allegheny and AE Supply need flexibility as they proceed with the asset sale program. Thus, Applicants request that the Commission reserve jurisdiction over the authorization to sell the securities of public utility companies, other than the Operating Companies, held directly or indirectly by Applicants, and to sell utility assets of Applicants and their subsidiaries, other than the Operating Companies. Applicants commit to submit an amendment to the Application in this matter seeking authorization of the Commission for any asset disposition subject to Commission jurisdiction.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–28710 Filed 11–8–02; 8:45 am]

BILLING CODE 8010–01–P

[2] Applicants have included as an exhibit to SEC File No. 70–10100 a list of all of AE Supply's utility assets and securities of public utility companies.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–46764; File No. SR–Amex–2002–81]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the American Stock Exchange LLC Relating to Member Transaction Charges for Exchange-Traded Funds

November 1, 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 October 3, 2002, the American Stock Exchange LLC (''Exchange'' or ''Amex'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Amex. 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 Amex proposes to amend the Exchange Equity Fee Schedule relating to transaction charges imposed on Exchange specialists and Registered Traders for transactions in Exchange-Traded Funds (''ETFs'') for which the Exchange pays non-reimbursed fees to third parties.

The text of the proposed rule change is available at the Amex and at the Commission.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex 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 Amex 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

I. Purpose

In connection with the formation and listing of ETFs, the Exchange has entered into a number of agreements with third parties (*e.g.,* issuers and owners of indexes underlying certain ETFs). ETFs include Portfolio Depositary Receipts (*e.g.,* Nasdaq 100® Index Tracking Stock or ''QQQ,'' and Standard and Poor's Depositary Receipts™ or ''SPDRs(TM)'') and Index Fund Shares (*e.g..* iShares™, VIPERs™). For those ETFs for which an Amex subsidiary (PDR Services LLC) is Sponsor—SPDRs (based on the S&P 500® Index), MidCap SPDRs™ (based on the S&P MidCap 400™ Index), and DIAMONDS® (based on the Dow Jones Industrial Average)—the licensing and certain other expenses are permitted to be passed on to the respective trusts for those securities pursuant to the terms of Commission orders for the respective trusts issued pursuant to the Investment Company Act of 1940.[3] For other ETFs, however, the Exchange represents that it is required to pay significant licensing or other fees to third parties, including issuers or index owners, which are not reimbursed.[4]

The Exchange proposes to recoup a portion of these fees by imposing an additional fee on all Amex specialists and Registered Traders for transactions in specified ETFs. An additional fee of $.07 per 100 shares for specialists and $.03 per 100 shares for Registered Traders would be applied only for transactions in ETFs for which the Exchange pays a non-reimbursed fee. The ETFs subject to the additional fee will be included in proposed Note 4 to the Exchange Equity Fee Schedule.

The ETF transaction charge for specialists is currently $.63 per 100 shares, subject to a per trade maximum of $300. For transactions in ETFs listed in proposed Note 4 to the Equity Fee Schedule, the transaction charge would be $.70 per 100 shares, with a per trade maximum of $300. ETF transaction charges for Registered Traders currently are $.73 per 100 shares, subject to a per trade maximum of $350. For ETFs listed in proposed Note 4, the transaction charge would be $.76 per 100 shares, with a $350 per trade maximum.

The Exchange would discontinue charging the additional $.07 or $.03 per 100 shares transaction charge for any ETF series for which the Exchange no longer pays a non-reimbursed fee. Such deletions would be filed with the Commission pursuant to Rule 19b-4 under the Act.[5] Any additional ETFs for which the Exchange pays non-reimbursed fees in the future will be added to the list in proposed Note 4 and filed with the Commission pursuant to Rule 19b-4 under the Act.[6]

2. Basis

The Exchange believes the proposed rule change is consistent with section 6 of the Act,[7] in general, and with section 6(b)(4) of the Act,[8] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Amex 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

The Exchange received a letter relating to the proposed increase in transaction charges for specialists and Registered Traders for transactions in certain ETFs.[9] Susquehanna states that the proposal does not make competitive sense when other markets assess no fees and/or provide rebates to their members for trading certain ETFs, including the QQQ. Susquehanna states that the type of markets made by Susquehanna and other liquidity providers cannot, in the long run, be as competitive as those on markets where there are no charges or where there are subsidies. Susquehanna believes that the fees on specialists and Registered Traders should be reduced to zero and, instead, Amex should impose a fee on each membership. Susquehanna's letter also refers to other suggestions made to Amex officials relating to maintaining and enhancing Amex's market share.

The Exchange has determined to impose a modest fee increase on those Exchange members that have responsibility for trading specified ETFs in accordance with Amex rules, and that have the potential to achieve greatest financial benefit from trading these securities. The Exchange, of course, recognizes that increases in any fees can have an adverse impact on the Exchange's competitive position compared to other markets. Those markets may provide member subsidies and payment for order flow, or waive all member ETF transaction charges, thereby subsidizing costs incurred by those markets in overseeing their members' ETF trading through other charges levied by those markets on their members. The Exchange has concluded that it is most prudent and equitable at this time to partially recoup non-reimbursed fees paid to third parties through increased transaction charges imposed on all specialists and Registered Traders actually trading these securities.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective pursuant to section 19(b)(3)(A)(ii) of the Act[10] and subparagraph (f)(2) of Rule 19b–4[11] thereunder, because it establishes or changes a due, fee, or other charge. At any time within 60 days of October 3, 2002, 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,

[3] 15 U.S.C. 80a.

[4] The Exchange represents that it will not impose the proposed fee on any portion of a non-reimbursed licensing or other third-party fee that it recoups via another Exchange fee or assessment. Telephone conversation between Michael Cavalier, Associate General Counsel, Amex, and Frank N. Genco, Attorney, Division of Market Regulation, Commission, on October 30, 2002.

[5] 17 CFR 240.19b-4.

[6] Id.

[7] 15 U.S.C. 78f.

[8] 15 U.S.C. 78f(b)(4).

[9] *See* Letter from Jeffrey Yass, Managing Director, Susquehanna International Group, LLP (''Susquehanna''), to Anthony J. Boglioli, Amex, dated September 23, 2002.

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

[11] 17 CFR 240.19b–4(f)(2).

[12] *See* 15 U.S.C. 78s(b)(3)(C).

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, as amended, 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–2002–81 and should be submitted by December 3, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–28604 Filed 11–8–02; 8:45 am]

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[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–46769; File No. SR–Amex–2002–80]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the American Stock Exchange LLC Relating to the Listing and Trading of Principal Protected Sector Selector Notes

November 4, 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 September 30, 2002, the American Stock Exchange LLC (the ''Exchange'' or ''Amex''), 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.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. For the reasons described below, the Commission is granting accelerated approval to the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to approve for listing and trading principal protected notes the return on which is based upon the performance of a basket of ten (10) specified U.S. sector exchange-traded funds[4] pursuant to the methodology set forth below.

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. 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.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Under Section 107A of the Amex Company Guide (''Company Guide''), the Exchange may approve for listing and trading securities which cannot be readily categorized under the listing criteria for common and preferred stocks, bonds, debentures, or warrants.[5] The Amex proposes to list for trading under Section 107A of the Company Guide principal protected sector selector notes (the ''Notes''), the return on which is based upon the performance of the ETF Basket.

The Notes will conform to the initial listing guidelines under section 107A[6] and continued listing guidelines under sections 1001–1003[7] of the Company Guide. The Notes are senior non-convertible debt securities of The Bear Stearns Companies Inc. (''the ''Issuer''). The Notes will have a term of five (5) years. The Notes, at maturity, will provide for a minimum principal amount that will be repaid plus a variable return amount (the ''Variable Return'') based on the performance of the ETF Basket. The Notes will not be subject to redemption prior to maturity and are not callable by the issuer.

The Notes are cash-settled in U.S. dollars and do not give the holder any right to receive a portfolio security or any other ownership right or interest in the portfolio of securities comprising the ETF Basket. The Notes are designed for investors who want to participate or gain exposure to a variety of U.S. market sectors and who are willing to forego market interest payments on the Notes during such term. The calculation agent for the Notes will be Bear Stearns & Co., Inc., an affiliate of the Issuer (''Bear Stearns'').

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

[3] The Commission corrected a typographical error in the description of the proposed rule change, with the consent of the Exchange, to reflect the proper term of the Notes. Telephone conversation between Jeffrey P. Burns, Assistant General Counsel, Amex, and Andrew Shipe, Special Counsel, Division of Market Regulation, Commission (October 22, 2002).

[4] The U.S. sector exchange-traded funds (''Sector ETFs'') that will be included in the basket (the ''ETF Basket'') are as follows: (1) iShares Dow Jones U.S. Basic Materials Index Fund; (2) iShares Dow Jones U.S. Consumer Cyclical Sector Index Fund; (3) iShares Dow Jones U.S. Consumer Non-Cyclical Sector Index Fund; (4) iShares Dow Jones U.S. Energy Sector Index Fund; (5) iShares Dow Jones U.S. Financial Sector Index Fund; (6) iShares Dow Jones U.S. Healthcare Sector Index Fund; (7) iShares Dow Jones U.S. Industrial Sector Index Fund; (8) iShares Dow Jones U.S. Technology Sector Index Fund; (9) iShares Dow Jones U.S. Telecommunications Sector Index Fund; and (10) iShares Dow Jones U.S. Utilities Sector Index Fund. The ETFs are trademarks of Dow Jones & Company and have been licensed for use by The Bear Stearns Companies Inc.

[5] *See* Securities Exchange Act Release No. 27753 (March 1, 1990), 55 FR 8626 (March 8, 1990) (order approving File No. SR–Amex-89–29) (''Hybrid Approval Order''). *See also* Securities Exchange Act Release No. 42582 (March 27, 2000), 65 FR 17685 (April 4, 2000) (approving the listing and trading of notes linked to a basket of no more than twenty equity securities).

[6] The initial listing standards for the Notes require: (1) A market value of at least $4 million; and (2) a term of at least one year. Because the Notes will be issued in $1,000 denominations, the minimum public distribution requirement of one million units and the minimum holder requirement of 400 holders do not apply. In addition, the listing guidelines provide that the issuer has assets in excess of $100 million, stockholder's equity of at least $10 million, and pre-tax income of at least $750,000 in the last fiscal year or in two of the three prior fiscal years. In the case of an issuer which is unable to satisfy the earning criteria stated in Section 101 of the Company Guide, the Exchange will require the issuer to have the following: (1) assets in excess of $200 million and stockholders' equity of at least $10 million; or (2) assets in excess of $100 million and stockholders' equity of at least $20 million.

[7] The Exchange's continued listing guidelines are set forth in Sections 1001 through 1003 of Part 10 to the Exchange's Company Guide. Section 1002(b) of the Company Guide states that the Exchange will consider removing from listing any security where, in the opinion of the Exchange, it appears that the extent of public distribution or aggregate market value has become so reduced to make further dealings on the Exchange inadvisable. With respect to continued listing guidelines for distribution of the Notes, the Exchange will rely, in part, on the guidelines for bonds in Section 1003(b)(iv). Section 1003(b)(iv)(A) provides that the Exchange will normally consider suspending dealings in, or removing from the list, a security if the aggregate market value or the principal amount of bonds publicly held is less than $400,000.

The Sector ETFs that comprise the ETF Basket are issued by iShares Trust, a registered investment company. The Sector ETFs are investment portfolios that seek investment results that correspond generally to the price and yield performance, before fees and expenses, of a particular U.S. sector equity market index compiled by Dow Jones & Company (''Dow Jones''). Each of the Sector ETFs is listed and traded on the Amex.

The Variable Return of the Notes is linked to the performance of the ETF Basket. This amount is designed to reflect the selection of the best performing ETF Sector remaining in the ETF Basket every six (6) months during the term of the Notes. Individual Sector ETFs will be removed from the ETF Basket once their performance has been used on an observation date. The Variable Return will be calculated as follows:

- The individual Sector ETF in the ETF Basket which has the most positive or least negative percentage change since the issue date will be selected and used to establish the performance rate for that particular observation date. Once the performance of an individual Sector ETF has been used on an observation date, such Sector ETF will then be removed from the ETF Basket and will not be utilized in the calculation of performance rates for any subsequent observation date.
- At maturity, the Variable Return will equal the average of the performance rates of the ten (10) selected Sector ETFs multiplied by the principal amount of such Note.
- The average performance is calculated at maturity by summing the selected performance rates of each Sector ETF and then dividing by the number of Sector ETFs that comprised the basket (ten).

If the Variable Return for the term of the Notes is less than or equal to zero, the Variable Return will be zero. If the Variable Return is zero, investors will receive only the principal amount of the Notes. The Variable Return cannot be less than zero.

As of September 26, 2002, the market capitalization of the Sector ETFs that would comprise the ETF Basket ranged from a high of $302.84 million shares (iShares Dow Jones U.S. Healthcare Sector Index Fund (IYH)) to a low of $45 million (iShares Dow Jones U.S. Telecommunications Sector Index Fund (IYZ)). The average monthly trading volume of these Sector ETFs comprising the ETF Basket for the last six months, as of the same date, ranged from a high of 1.68 million shares (iShares Dow Jones U.S. Consumer Cyclical Sector Index Fund (IYC)) to a low of 389,183 shares (iShares Dow Jones U.S. Financial Sector Index Fund (IYF)). Moreover, as of September 26, 2002, all of the Sector ETFs that would comprise the ETF Basket were eligible for standardized options trading pursuant to Commentary .06 to Amex Rule 915. The Amex currently lists and trades option contracts on iShares Dow Jones U.S. Financial Sector Index Fund (IYF), iShares Dow Jones U.S. Technology Sector Index Fund (IYW) and iShares Dow Jones U.S. Telecommunications Sector Index Fund (IYZ).

During the term of the Notes, the performance rate for each of the Sector ETFs will be calculated every six (6) months as follows: (reference value—initial value)/initial value. The individual Sector ETF in the ETF Basket which has the most positive or least negative percentage change since the issue date will be selected and used to set the performance rate for that observation date. The ''reference value'' is the closing value of each of the Sector ETFs that comprise the ETF Basket on each observation date or, if that day is not a business day, on the next business day. An ''observation date'' occurs semi-annually throughout the terms of the Notes. For the first observation date, the ''initial value'' will equal the closing value of each of the Sector ETFs on the issue date of the Notes.

If any of the Sector ETFs is de-listed from the Amex or ceases to be issued by the iShares Trust prior to removal from the ETF Basket, Bear Stearns will substitute a corresponding Dow Jones U.S. Sector Index compiled by Dow Jones for the discontinued Sector ETF. If the corresponding Dow Jones U.S. Sector Index ceases to be compiled by Dow Jones and Dow Jones or another entity compiles a successor or substitute sector index that Bear Stearns determines, to be comparable to the discontinued Dow Jones U.S. Sector Index, then such successor or substitute sector index will be used to calculate the Variable Return. Upon selection by Bear Stearns of a corresponding, successor or substitute sector index, notice of such fact will be provided to the holders of the Notes.

If Bear Stearns determines that any successor or substitute sector index is discontinued and there is not a successor or substitute sector index available, Bear Stearns will determine the Variable Return based on a methodology that attempts to replicate closely the Sector ETF. Bear Stearns may similarly determine the performance rate to be used if the level of any successor or a substitute sector index is not available on an observation date.

Bear Stearns as the calculation agent will be permitted (but not required) to make adjustments in any successor or substitute sector index or concerning the method of such index calculation as it deems appropriate to ensure that the performance rates used to determine the Variable Return are equitable.

Discontinuance of any of the Sector ETFs may adversely affect the value of the Notes. All determinations made by Bear Stearns as calculation agent will be at its discretion and will be conclusive for all purposes, absent manifest error.

If there is a market disruption event [8] on any observation date, the observation date will be the first succeeding business day on which there is no market disruption event, unless there is a market disruption event on each of the five business days following the original date that, but for the market disruption event, would have been the observation date. In that case, the fifth business day will be deemed to be the observation date and Bear Stearns will determine the performance rate of the Sector ETFs as of the valuation time on that fifth business day.

Because the Notes are issued in $1,000 denominations, the Amex's existing floor trading rules will apply to the issuing and trading of the Notes. First, pursuant to Amex Rule 411, the Exchange will impose a duty of due diligence on its members and member firms to learn the essential facts relating to every customer prior to trading the Notes.[9] Second, even though the Exchange's debt trading rules apply, the Notes will be subject to the equity margin rules of the Exchange.[10] Third, in conjunction with the Hybrid Approval Order, the Exchange will, prior to trading the Notes, distribute a circular to the membership providing guidance with regard to member firm compliance responsibilities (including

[8] A market disruption event means the occurrence or existence on any business day during the one-half hour prior to the valuation time of any suspension of, or limitation imposed on, trading (by reason of movements in price exceeding limits permitted by any relevant exchange or market or otherwise) of (i) the Sector ETFs on the Amex or of the securities that comprise 20% or more of any Dow Jones U.S. Sector Index or any successor or substitute index on any relevant exchange; or (ii) in options or futures contracts on the Sector ETFs, any corresponding Dow Jones U.S. Sector Index or any successor or substitute index on any relevant exchange if, any such suspension or limitation is material.

[9] Amex Rule 411 requires that every member, member firm or member corporation use due diligence to learn the essential facts, relative to every customer and to every order or account accepted.

[10] *See* Amex Rule 462 and Section 107B of the Company Guide.

suitability recommendations) when handling transactions in the Notes and highlighting the special risks and characteristics of the Notes. With respect to suitability recommendations and risks, the Exchange will require members, member organizations and employees thereof recommending a transaction in the Notes: (1) To determine that such transaction is suitable for the customer, and (2) to have a reasonable basis for believing that the customer can evaluate the special characteristics of, and is able to bear the financial risks of such transaction. In addition, the Issuer will deliver a prospectus in connection with the initial purchase of the Notes.

The Exchange represents that its surveillance procedures are adequate to properly monitor the trading of the Notes. Specifically, the Amex will rely on its existing surveillance procedures governing equities, which have been deemed adequate under the Act. In addition, the Exchange also has a general policy which prohibits the distribution of material, non-public information by its employees.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6 of the Act [11] in general and furthers the objectives of section 6(b)(5) [12] 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

The Exchange did not receive any written comments on the proposed rule change.

III. 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 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-2002–80 and should be submitted by December 3, 2002.

IV. Commission's Findings and Order Granting Accelerated Approval of the Proposed Rule Change

After careful review, the Commission finds that implementation 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, and in particular, with the requirements of Section 6(b)(5).[13] Pursuant to Section 19(b)(2) of the Act,[14] the Commission further finds good cause to approve the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**.

The Commission believes that the availability of the Notes will provide an additional choice for investors to achieve desired investment objectives through the purchase of an exchange-traded debt product linked to the performance of the basket of ETFs described above. These objectives include participating in or gaining exposure to the ETF basket's components, while limiting downside risk. The Notes are principal protected—they provide for a minimum principal amount that will be repaid. They also provide for a variable return based upon the performance of the components of the ETF basket. For the reasons discussed below, the Commission has concluded that the Amex listing standards applicable to the Notes are consistent with the Act.

The Notes are senior, non-convertible debt securities and will conform to the initial listing guidelines under Section 107A, and the continued listing guidelines under Sections 1001–1003 of the Amex Company Guide. The notes will have a term of five years. The Notes will entitle the owner at maturity to receive a minimum principal amount, plus a variable return amount based upon the performance of the ETFs in the ETF basket. Each of the Sector ETFs that comprise the ETF basket is listed and traded on Amex; thus, the Commission notes that each of the components would satisfy the Exchange's listing standards for Index Fund Shares (or alternatively for Portfolio Depositary Receipts). The Notes are cash-settled in U.S. dollars and may not be called by the issuer.

The Commission notes that the Exchange's rules and procedures that address the special concerns attendant to the trading of hybrid securities will be applicable to the Notes. In particular, by imposing the hybrid listing standards, suitability, disclosure, and compliance requirements noted above, the Commission believes the Exchange has addressed adequately any potential problems that could arise from the hybrid nature of the Notes. The Exchange will require members, member organizations and employees thereof recommending a transaction in the Notes to: (1) Determine that such transaction is suitable for the customer, and (2) have a reasonable basis for believing that the customer can evaluate the special characteristics, and bear the financial risks, of such transaction.

In addition, the Amex equity margin rules and debt trading rules will apply to the Notes. The Exchange's debt trading rules are applicable because the notes are issued in $1,000 denominations. The Commission believes that the application of these rules should strengthen the integrity of the Notes. The Commission also believes that the Amex has appropriate surveillance procedures in place to detect and deter potential manipulation for similar index-linked products. By applying these procedures to the Notes, the Commission believes that the potential for manipulation of the Notes is minimal, thereby protecting investors and the public interest. The Commission further notes that the underlying indices on which the ETFs are based are compiled by Dow Jones, an entity independent of both the Exchange and the Issuer, and thus, a factor which the Commission believes should act to minimize the possibility of manipulation.

The Commission also notes that the Amex will issue a circular on the Notes. The circular would include, among

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78s(b)(2).

other things, a discussion of the risks that may be associated with the Notes in addition to details on the composition of the Index and how the rates of return will be computed. Further, pursuant to Exchange Rule 411, the Exchange will impose a duty of due diligence on its members and member firms to learn the essential facts relating to every customer prior to trading the Notes. Based on these factors, the Commission finds that the proposal to trade the Notes is consistent with section 6(b)(5) of the Act.[15]

Amex has requested that the Commission find good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. The Amex has requested accelerated approval because this product is similar to several other instruments currently traded on the Amex. In determining to grant the accelerated approval for good cause, the Commission notes that the ETFs comprising the ETF basket are based on indices composed of a portfolio of highly capitalized and actively traded securities similar to component securities in hybrid securities products that have been approved by the Commission for U.S. exchange trading. Additionally, the Notes will be listed pursuant to the existing hybrid security listing standards as described above. Based on the above, the Commission finds good cause to accelerate approval of the proposed rule change, as amended.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[16] that the proposed rule change (SR-Amex-2002–80) is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[17]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–28605 Filed 11–8–02; 8:45 am]

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[15] 15 U.S.C. 78f(b)(5).

[16] 15 U.S.C. 78s(b)(2).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–46772; File No. SR–DTC–2002–15]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of Proposed Rule Change To Eliminate the FAST Certificates-on-Demand Service

November 5, 2002.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on September 4, 2002, The Depository Trust Company (''DTC'') 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 primarily by the DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to eliminate the FAST Certificate-on-Demand (''FAST COD'') service.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC 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 DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Currently DTC's FAST COD service allows participants to request for same day availability a physical certificate in the participants' or its nominee's name for issues which are held in DTC's nominee name, Cede & Co., at the transfer agent under DTC's FAST program. After consultation with the largest users of the service, DTC is proposing to eliminate the FAST COD service due to decreasing demand for the service. Currently there is an average of approximately five FAST COD requests per day. In the place of FAST COD, participants may continue to use the Rush Withdrawals-by-Transfer (''RWT'') service[3] or the Deposit/Withdrawal at Custodian (''DWAC'') service.[4] RWT allows participants to quickly obtain physical certificates, which can be registered in either the participant's name or its customer's name. Using DWAC, participants can request certificates in client name directly from the transfer agents.

DTC believes that the proposed rule filing is consistent with section 17A of the Act because it will eliminate a little-used service but will retain functionally similar services thereby promoting the prompt and accurate clearance and settlement of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

DTC consulted orally with the largest users of the FAST COD service and circulated an Important Notice to Participants, which invited public comment on this proposal.[5] DTC has received no written comment on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five 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 ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by the DTC.

[3] For more information about the RWT service, see Securities Exchange Act Release Nos. 30505 (March 20, 1992) [SR–DTC–91–23](order approving implementation of the RWT service on permanent basis); 27518 (December 7, 1989)(order granting temporary extension of the RWT service); 26960 (June 23, 1989) [SR–DTC–89–11] (order granting approval of the RWT service procedures); 27052 (July 21, 1989) [SR–DTC–89–1] (order granting temporary approval of the RWT service).

[4] For more information about the DWAC service, see Securities Exchange Release No. 30283 (January 23, 1992) [SR–DTC–91–16] (order granting approval of the DWAC service).

[5] Important Notice to Participants #3624 is available through the Commission's Public Reference Room or through DTC.

(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 Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the DTC. All submissions should refer to File No. SR–DTC–2002–15 and should be submitted by December 3, 2002.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–28654 Filed 11–8–02; 8:45 am]

BILLING CODE 8010–01–P

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–46771; File No. SR–NQLX–2002–01]

Self-Regulatory Organizations; Order Approving and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 1 to the Proposed Rule Change, by Nasdaq Liffe Markets, LLC Relating to Margin Rules for Security Futures

November 5, 2002.

On September 24, 2002, the Nasdaq Liffe Markets, LLC (''NQLX'') submitted to 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 relating to margin rules for security futures products other than options on security futures. The proposed rule change was published for comment in the **Federal Register** on September 30, 2002.[3] The Commission received three comment letters on the proposed rule change.[4] In addition, NQLX submitted a letter in response to the commenters.[5] On November 4, 2002, NQLX filed an amendment to the proposed rule change.[6] This order approves the proposed rule change, accelerates approval of Amendment No. 1, and solicits comments from interested persons on Amendment No. 1.

I. Description of the Proposed Rule Change

Introduction

On August 1, 2002, the Commodity Futures Trading Commission (''CFTC'') and SEC (collectively, the ''Commissions'') jointly adopted customer margin requirements for security futures.[7] Under the Commissions' ''account specific'' approach, the Commissions' margin rules apply certain core requirements to all security futures, and direct that the more specific requirements depend on the type of account in which the security futures are held (*i.e.*, a futures account or securities account).

Proposal

The proposed rule change sets forth margin requirements for security futures traded on NQLX that are held in futures accounts. Specifically, the proposed rule change sets the minimum initial and maintenance customer margin rates for such security futures contracts and provides for lower margin levels for permitted strategy-based offset positions. The proposed rules exclude certain financial relations to which the Commissions' margin rules do not apply. In addition, the proposed rules do not apply to security futures held in a securities account. The proposed rule change also establishes standards under which members may qualify as Security Futures Dealers and therefore be excluded from NQLX's margin rules.

Margin Levels

The Commissions' margin rules require that customers deposit in their accounts minimum margin of 20 percent of the current market value of security futures.[8] In addition, the Commissions' rules permit national securities exchanges to set margin levels below 20 percent of the current market value of security futures for certain offsetting positions in security futures and other securities or futures.

The proposed rule change establishes a minimum margin rate of 20 percent for both long and short positions in security futures, except with respect to specified, permitted offsetting positions. Under the proposed rule change, NQLX permits reduced margin levels for specific offsetting positions held in futures accounts. Specifically, NQLX permits reduced margin levels for the following offsets:

(1) For a long security future and a corresponding short security futures on the same underlying individual stock or narrow-based index, but with a different expiration month, both the initial margin and the maintenance margin are the greater of 5% of the current market value of the long security futures or 5% of the current market value of the short security futures.

(2) For a long (short) basket of security futures (each of which is based on a narrow-based security index that together tracks a broad-based index) held in combination with a short (long) position of the applicable broad-based index future, both the initial and the maintenance margin are 5% of the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 46548 (September 25, 2002), 67 FR 61361 (SR–NQLX–2002–01).

[4] *See* letters to Jonathan Katz, Secretary, Commission, from: John P. Davidson, Managing Director, Morgan Stanley & Co. Inc., and Mitchell J. Lieberman, Managing Director, Goldman, Sachs & Co., dated October 23, 2002 (''Morgan/Goldman Letter''); Michael J. Ryan, Jr., Executive Vice President and General Counsel, American Stock Exchange LLC, dated October 23, 2002 (''Amex Letter''); and Michael R. Schaefer, Managing Director, Salomon Smith Barney, dated October 25, 2002 (''SSB Letter'').

[5] Letter from Kathleen M. Hamm, Senior Vice President, Regulation and Compliance, NQLX, to Jonathan G. Katz, Secretary, Commission, dated October 30, 2002 (''NQLX Letter'').

[6] *See* letter from Kathleen M. Hamm, Senior Vice President of Regulation and Compliance, NQLX, to Theodore R. Lazo, Senior Special Counsel, Division of Market Regulation, Commission, dated November 1, 2002 (''Amendment No. 1''). Amendment No. 1 amends proposed Rule 403(e)(1) to provide that a security futures dealer must fulfill its market maker obligation in security futures contacts representing at least 20 percent of the total volume in all security futures contracts traded on NQLX for the preceding calendar quarter. In addition, Amendment No. 1 amends proposed Rule 403(e)(2) to provide that a security futures dealer must fulfill its market maker obligation in security futures contacts representing at least 75 percent of the total trading in security futures contracts on NQLX for the preceding calendar quarter.

[7] Securities Exchange Act Release No. 46292, 67 FR 53146 (August 14, 2002).

[8] Rule 403(b)(1) under the Act and Rule 41.45(b)(1) under the Commodity Exchange Act (''CEA'') 17 CFR 240.403(b)(1) and 17 CFR 41.45(b)(1).

current market value of the long (short) basket of security futures.

(3) For a long (short) basket of security futures that together tracks a narrow-based index future held in combination with a short (long) narrow-based index future, both the initial and the maintenance margin are the greater of (a) 5% of the current market value of the long security futures or (b) 5% of the current market value of the short security futures.

(4) For a long (short) security future on either an individual stock or a narrow-based index held in combination with an identical short (long) security future listed by a different exchange, both the initial and maintenance margin level are the greater of (a) 3% of the current market value of the long security futures position or (b) 3% of the current market value of the short security futures position.

Security Futures Dealers

As noted above, the proposed rule change provides an exclusion from NQLX's margin rules for Security Futures Dealers. Under the proposed rule change, NQLX defines a ''Security Futures Dealer'' as a market maker[9] designated by NQLX as a Security Futures Dealer that meets the requirements of NQLX Rules 403(d) and Rule 403(e). Rule 403(d) requires a Security Futures Dealer: (1) To be a member of NQLX; (2) to be registered as a floor trader or floor broker with the CFTC under section 4f(a)(1) of the CEA or as a dealer with the SEC under section 15(b) of the Act; (3) to hold itself out as being willing to buy and sell security futures for its own account on a regular or continuous basis and enters into a written agreement with NQLX that must meet, at a minimum, the requirements of NQLX Rule 403(e); (4) to maintain records sufficient to prove compliance with the requirements of NQLX Rule 403(d) and NQLX Rule 403(e), including, but not limited to, documents concerning personnel effecting relevant Orders, relevant trade and cash blotters, relevant stock records, and documents concerning applicable internal system capacity and performance; and (5) to be subject to disciplinary action under Chapter 5 of NQLX's Rules for failing to comply with CFTC Rules 41.42–41.48 and Rules 400–406 under the Act, with sanctions up to and including removal of the member's designation as a Security Futures Dealer.

NQLX Rule 403(e) requires a Security Futures Dealer to meet one of two minimum affirmative trading obligations. Under the first alternative, an NQLX member is a Security Futures Dealer under Rule 403(e)(1) if it satisfies the following requirements. First, the Security Futures Dealer must provide continuous two-sided quotations throughout the trading day, subject to relaxation during unusual market conditions as determined by NQLX,[10] for the first two delivery months of Security Futures Contracts that in total account for at least 20% of the total volume in all Security Futures Contracts traded on NQLX. Second, the Security Futures Dealer must quote for the first two delivery months with (a) a maximum bid/ask spread of no more than the greater of $.10 or 150 percent of the bid/ask spread in the primary market for the security underlying the security future and (b) a minimum number of contracts no less than the lesser of 10 contracts or the corresponding contractual size equivalent of the best bid and best offer for the security underlying the security future. Finally, the Security Futures Dealer must respond to requests for quotation in the specified security future within 5 seconds for all delivery months other than the first two delivery months with a two-sided quotation that has (a) a maximum bid/ask spread of no more than the greater of $0.20 or 150 percent of the bid/ask spread in the primary market for the security underlying the Security Futures Contract and (b) a minimum number of contracts no less than the lesser of 5 contracts or the corresponding contractual size equivalent of the best bid and best offer for the security underlying the security future.

In the alternative, an NQLX member is a Security Futures Dealer under Rule 403(e)(2) if it satisfies the following requirements. First, the Security Futures Dealer must respond to all requests for quotation in a specified Security Futures Contract in specified delivery months other than the first two delivery months with two-sided quotations throughout the trading day. Second, the Security Futures Dealer must quote, when responding to requests for quotation, within 5 seconds (a) with a maximum bid/ask spread of no more than the greater of $0.20 or 150 percent of the bid/ask spread in the primary market for the security underlying the Security Futures Contract and (b) a minimum number of contracts no less than the lesser of 5 contracts or the corresponding contractual size equivalent of the best bid and best offer for the security underlying the Security Futures. Finally, 75% of the Security Futures Dealer's total trading in the preceding calendar quarter must be in Security Futures Contracts in which it fulfilled its obligations under this rule.

While NQLX Rule 403(e)(1) and NQLX Rule 403(e)(2) both provide the minimum requirements imposed on market makers designated as Security Futures Dealers, NQLX and the particular Security Futures Dealer may enter into written agreements with more rigorous affirmative obligations (*e.g.*, more narrow maximum bid/ask spreads as well as larger minimum contract sizes).

II. Summary of Comments

As noted above, the Commission received three comment letters on the proposal,[11] and NQLX submitted a letter in response to the commenters.[12] Two commenters expressed the view that NQLX's proposed market maker exclusion would encourage imprudent risk taking, speculation, and leverage because there would be no net capital requirements imposed either on a floor broker that qualifies for the market maker exclusion or on its carrying broker-dealer or FCM.[13] In addition, those commenters maintained that the proposed rule change is not consistent with the margin requirements for comparable options contracts and, therefore, would create competitive disparities between security futures and exchange-traded options.

The other commenter expressed concern with NQLX's second alternative for satisfying the definition of a security futures dealer.[14] Specifically, the commenter maintained that the lack of a two-sided continuous quote commitment for all expiration or delivery months of a security futures contract, along with the ability to only quote farther term expiration or delivery month contracts, rendered the test in proposed NQLX Rule 403(e)(2) inconsistent with the obligations of a bona fide market maker. In addition, the commenter argued that the market

[9] NQLX's rules define a ''Market Maker'' as ''any Member or other Person that enters into a written agreement with NQLX to facilitate liquidity and orderliness for a specified Exchange Contract or Groups of Exchange Contracts pursuant Rule 403.'' *See* NQLX Rule 101(a)(48).

[10] NQLX has represented that it would only relax the affirmative obligations of a Security Futures Dealer during unusual market conditions such as a fast market in either the security futures or their underlying securities. *See* NQLX Letter, *supra* note 5.

[11] Morgan/Goldman Letter, Amex Letter, and SSB Letter, *supra* note 4. The SSB Letter stated that it agreed generally with the comments expressed in the Morgan/Goldman Letter.

[12] NQLX Letter, *supra* note 5.

[13] Morgan/Goldman Letter and SSB Letter, *supra* note 4.

[14] Amex Letter, *supra* note 4.

maker test under proposed NQLX Rule 403(e)(2) is not consistent with the current standard for receiving market maker margin treatment for exchange-traded options because it does not oblige market makers to make continuous markets in security futures.

In response to the Morgan/Goldman letter, NQLX stated that it has minimum capital requirements for all of its members, including all market makers designated as security futures dealers. NQLX noted that its rules require its members that are registered with the SEC as broker-dealers or with CFTC as futures commission merchants or introducing brokers to meet and maintain the minimum capital requirements of their respective regulators. Further, NQLX stated that for all other members, its rules require minimum net worth of not less than $250,000 and immediate notification to NQLX when one of those member's net worth declines below $300,000. NQLX maintained that its minimum net worth requirements as well as its ''early warning'' capital levels adequately address the concerns of potential systemic credit risk raised by the Morgan/Goldman letter.

In response to the Amex Letter, NQLX stated that Rule 403(e)(2) places affirmative obligations on security futures dealers to respond ''virtually instantaneously'' to all requests for quotation throughout the trading day in specified back-month contracts. NQLX maintained that this standard requires regular responses to quotations by the Security Futures Dealer. In addition, NQLX expressed the view that by complying with Rule 403(e)(2), Security Futures Dealers expose their capital in order to provide liquidity and depth for the benefit of all market participants.

III. Discussion

Under Section 19(b)(2) of the Act, the Commission is directed to approve the proposed rule change if it finds that it is consistent with the requirements of the Act and the rules and the rules and regulations thereunder applicable to a national securities exchange.[15] Section 6(b)(5) of the Act [16] requires, among other things, that the rules of a national securities exchange be designed to promote just and equitable principles of trade and, in general, to protect investors and the public interest.[17] In addition, section 7(c)(2)(B) of the Act [18] provides, among other things, that the margin rules for security futures must preserve the financial integrity of markets trading security futures, prevent systemic risk, and be consistent with the margin requirements for comparable exchange-traded options. Section 7(c)(2)(B) also provides that the margin levels for security futures may be no lower than the lowest level of margin, exclusive of premium, required for any comparable exchange-traded option. For the reasons discussed below, after careful review and consideration of the commenters' views the Commission finds that the rule change is consistent with NQLX's obligations under the Act and the rules and regulations thereunder.

The Commission believes that the rule change is generally consistent with the customer margin rules for security futures adopted by the Commission and the CFTC. In particular, the Commission notes that, consistent with Rule 403 under the Act, NQLX's proposed rule provides for a minimum margin level of 20% of current market value for all positions in security futures. The Commission believes that 20% is the minimum margin level necessary to satisfy the requirements of section 7(c)(2)(B) of the Act. Rule 403 under the Act [19] also provides that a national securities exchange may set margin levels lower than 20% of the current market value of the security future for an offsetting position involving security futures and related positions, provided that an exchange's margin levels for offsetting positions meet the criteria set forth in section 7(c)(2)(B) of the Act. The offsets proposed by NQLX are consistent with the strategy-based offsets permitted for comparable offset positions involving exchange-traded options and therefore consistent with section 7(c)(2)(B) of the Act.

Finally, the Commission believes that the standards proposed by NQLX for Security Futures Dealers are consistent with the Act, and Rule 400(c)(2)(v) thereunder.[20] Specifically, the Commissions' margin rules do not apply to a member of a national securities exchange that is registered with such exchange as a ''security futures dealer'' pursuant to exchange rules that must meet several criteria, including a requirement that a security futures dealer be required ''to hold itself out as being willing to buy and sell security futures for its own account on a regular or continuous basis.'' The Commission believes that the affirmative obligations required by NQLX Rule 403(e) satisfy this requirement.

IV. Accelerated Approval of Amendment No. 1

The Commission finds good cause to approve Amendment No. 1 to the proposed rule change prior to the thirtieth day after the date of publication of notice in the **Federal Register**. In response to the commenters concerns, Amendment No. 1 adds two subsections to require Security Futures Dealers to satisfy their market making obligations in a meaningful number of contracts. Specifically, new paragraph (e)(1)(iv) of Rule 403 requires a Security Futures Dealer to fulfill its market making activities in one or more security futures contacts representing at least 20 percent of the total volume in all security futures contracts traded on NQLX for the preceding calendar quarter. Similarly, new paragraph (e)(2)(iii) of Rule 403 requires 75% of a Security Futures Dealer's total trading to be in security futures contacts in which it fulfills its market making obligations.

Because the amendments are responsive to commenters concerns and further clarify the minimum requirements imposed on market makers designated as Security Futures Dealers, the Commission believes that there is good cause, consistent with Section 19(b) of the Act, to approve Amendment No. 1 to the proposed rule change, on an accelerated basis.

V. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether Amendment No. 1 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 Exchange. All submissions should refer to File No. SR–NQLX–2002–01 and should be submitted by December 3, 2002.

[15] 15 U.S.C. 78s(b)(2).

[16] 15 U.S.C. 78f(b)(5), 78o–3(b)(6), and 78o–4(b)(2)(C).

[17] In approving this rule change, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78*o*–3(b)(9).

[18] 15 U.S.C. 78g(c)(2)(B).

[19] 17 CFR 240.403(b)(2).

[20] 17 CFR 200.400(c)(2)(v).

VI. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[21] that the proposed rule change (SR–NQLX–2002–01), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[22]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–28606 Filed 11–8–02; 8:45 am]

BILLING CODE 8010–01–P

[21] 15 U.S.C. 78s(b)(2).

[22] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

DATES: Submit comments on or before January 13, 2003.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Jihoon Kim, Financial Analyst, Office of Financial Assistance, Small Business Administration, 409 3rd Street, SW., Suite 8300, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Jihoon Kim, Financial Analyst, (202) 205–6024 or Curtis B. Rich, Management Analyst, (202) 205–7030.

SUPPLEMENTARY INFORMATION:

Title: Secondary Market Assignment and Disclosure Form.

Form No: 1088.

Description of Respondents: Secondary Market Participants.

Annual Responses: 5,000.

Annual Burden: 7,500.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Robert Max, Procurement Analyst, Office of Government Contracting, Small Business Administration, 409 3rd Street, SW., Suite 8800, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Robert Max, Procurement Analyst, (202) 205–7321 or Curtis B. Rich, Management Analyst, (202) 205–7030.

Title: Application for Small Business Size Determination.

Form No: 355.

Description of Respondents: Small Businesses.

Annual Responses: 10,500.

Annual Burden: 42,000.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Cindy Pitts, Program Analyst, Office of Disaster Assistance, Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Cindy Pitts, Program Analyst, (202) 205–7570 or Curtis B. Rich, Management Analyst, (202) 205–7030.

Title: Borrower's Progress Certification.

Form No: 1366.

Description of Respondents: Recipients of disaster loans.

Annual Responses: 30,020.

Annual Burden: 15,010.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 02–28684 Filed 11–8–02; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before December 12, 2002. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and OMB Reviewer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Small Business Administration, Application for Certificate of Competency.

No: 1531.

Frequency: On Occasion.

Description of Respondents: Small Business Owners.

Responses: 300.

Annual Burden: 2,400.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 02–28683 Filed 11–8–02; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before December 12, 2002. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and OMB Reviewer, Office of Information and Regulatory Affairs,

Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Semiannual Report on Representatives and Compensation Paid for Services in Connection with Obtained Federal Contracts.

No: 1790.

Frequency: On occasion.

Description of Respondents: 8(a) program participant.

Responses: 13,884.

Annual Burden: 13,884.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 02–28686 Filed 11–8–02; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before December 12, 2002. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and OMB Reviewer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Nomination for the Small Business Prime Contractor & Nomination of the Small Business Subcontractor of the Year Award.

No's: 883 & 1375.

Frequency: On occasion.

Description of Respondents: Prime contractor, subcontractor.

Responses: 469.

Annual Burden: 1,876.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 02–28687 Filed 11–8–02; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3452]

State of Louisiana; Amendment # 3

In accordance with a notice received from the Federal Emergency Management Agency, dated October 31, 2002, the above numbered declaration is hereby amended to include Grant, LaSalle and Ouachita Parishes in the State of Louisiana as disaster areas due to damages caused by Hurricane Lili beginning on October 1, 2002, and continuing through October 16, 2002.

In addition, applications for economic injury loans from small businesses located in Caldwell, Jackson, Lincoln, Morehouse, Richland, Union and Winn Parishes in Louisiana may be filed until the specified date at the previously designated location. All other counties contiguous to the above named primary county have been previously declared.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is December 2, 2002, and for economic injury the deadline is July 3, 2003.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: November 4, 2002.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 02–28571 Filed 11–8–02; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3457]

State of Mississippi

Pearl River County and the contiguous counties of Forrest, Hancock, Harrison, Lamar, Marion and Stone in the State of Mississippi; and St. Tammany and Washington Parishes in the State of Louisiana constitute a disaster area due to damages caused by severe storms and straight line winds that occurred on October 29, 2002. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on January 3, 2003 and for economic injury until the close of business on August 4, 2003 at the address listed below or other locally announced locations:

U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	5.875
Homeowners without credit available elsewhere	2.937
Businesses with credit available elsewhere	6.648
Businesses and non-profit organizations without credit available elsewhere	3.324
Others (including non-profit organizations) with credit available elsewhere	5.500
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	3.324

The number assigned to this disaster for physical damage is 345711 for Mississippi and 345811 for Louisiana. The number assigned for economic injury is 9S4600 for Mississippi and 9S4700 for Louisiana.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: November 4, 2002.

Hector V. Barreto,

Administrator.

[FR Doc. 02–28685 Filed 11–8–02; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 4204]

Request for Nominations for the General Advisory Committee and the Scientific Advisory Subcommittee to the United States Section to the Inter-American Tropical Tuna Commission

SUMMARY: The Department of State is seeking applications and nominations for the renewal of the General Advisory Committee to the Inter-American Tropical Tuna Commission (IATTC) as well as to a Scientific Advisory Subcommittee of the General Advisory Committee. The purpose of the General Advisory Committee and the Scientific Advisory Subcommittee is to provide public input and advice to the United States Section to the IATTC in the formulation of U.S. policy and positions at meetings of the IATTC and its

subsidiary bodies. The Scientific Advisory Subcommittee shall also function as the National Scientific Advisory Committee (NATSAC) provided for in the Agreement on the International Dolphin Conservation Program (AIDCP). The United States Section to the IATTC is composed of the Commissioners to the IATTC, appointed by the President, and the Deputy Assistant Secretary of State for Ocean and Fisheries or his or her designated representative. Authority to establish the General Advisory Committee and Scientific Advisory Subcommittee is provided under the Tuna Conventions Act of 1950, as amended by the International Dolphin Conservation Program Act (IDCPA) of 1997.

DATES: Nominations must be submitted on or before January 13, 2003.

ADDRESSES: Nominations should be submitted to Mary Beth West, Deputy Assistant Secretary for Oceans and Fisheries, Bureau of Oceans and International Environmental and Scientific Affairs, Room 7831, Department of State, Washington, DC, 20520–7818; or by fax to 202–736–7350.

FOR FURTHER INFORMATION CONTACT: David Hogan, Office of Marine Conservation, Department of State: 202–647–2335.

SUPPLEMENTARY INFORMATION:

General Advisory Committee

The Tuna Conventions Act (16 U.S.C. 951, *et seq.*), as amended by the IDCPA (Pub. L. 105–42) provides that the Secretary of State, in consultation with the U.S. Commissioners to the IATTC, shall appoint a General Advisory Committee (the Committee) to the U.S. Section to the IATTC (U.S. Section). The Committee shall be composed of not less than 5 nor more than 15 persons, with balanced representation from the various groups participating in the fisheries included under the IATTC Convention, and from non-governmental conservation organizations. The Committee shall be invited to have representatives attend all non-executive meetings of the U.S. Section, and shall be given full opportunity to examine and to be heard on all proposed programs of investigations, reports, recommendations, and regulations adopted by the Commission. Representatives of the Committee may attend meetings of the IATTC and the AIDCP as members of the U.S. delegation or otherwise in accordance with the rules of those bodies governing such participation. Participation as a member of the U.S. delegation shall be subject to such limits as may be placed on the size of the delegation.

Scientific Advisory Committee

The Act, as amended, also provides that the Secretary of State, in consultation with the U.S. Commissioners to the IATTC, shall appoint a Scientific Advisory Subcommittee (the Subcommittee) of the General Advisory Committee. The Subcommittee shall be composed of not less than 5 and not more than 15 qualified scientists with balanced representation from the public and private sectors, including non-governmental conservation organizations. The Subcommittee shall advise the Committee and the U.S. Section on matters including: the conservation of ecosystems; the sustainable uses of living marine resources related to the tuna fishery in the eastern Pacific Ocean; and the long-term conservation and management of stocks of living marine resources in the eastern tropical Pacific Ocean.

In addition, at the request of the Committee, the U.S. Commissioners or the Secretary of State, the Subcommittee shall perform such functions and provide such assistance as may be required by formal agreements entered into by the United States for the eastern Pacific tuna fishery, including the AIDCP. The functions may include: the review of data from the International Dolphin Conservation Program (IDCP), including data received from the IATTC staff; recommendations on research needs and the coordination and facilitation of such research; recommendations on scientific reviews and assessments required under the IDCP; recommendations with respect to measures to assure the regular and timely full exchange of data among the Parties to the AIDCP and each nation's NATSAC (or its equivalent); and consulting with other experts as needed.

The Subcommittee shall be invited to have representatives attend all non-executive meetings of the U.S. Section and the General Advisory Committee and shall be given full opportunity to examine and to be heard on all proposed programs of scientific investigation, scientific reports, and scientific recommendations of the Commission. Representatives of the Subcommittee may attend meetings of the IATTC and the AIDCP as members of the U.S. delegation or otherwise in accordance with the rules of those bodies governing such participation. Participation as a member of the U.S. delegation shall be subject to such limits as may be placed on the size of the delegation.

National Scientific Advisory Committee

The Scientific Advisory Subcommittee shall also function as the NATSAC established pursuant to Article IX of the AIDCP. In this regard, the Subcommittee shall perform the functions of the NATSAC as specified in Annex VI of the AIDCP including, but not limited to: receiving and reviewing relevant data, including data provided to the National Marine Fisheries Service (NMFS) by the IATTC Staff; advising and recommending to the U.S. Government measures and actions that should be undertaken to conserve and manage stocks of living marine resources in the AIDCP Area; making recommendations to the U.S. Government regarding research needs related to the eastern Pacific Ocean tuna purse seine fishery; promoting the regular and timely full exchange of data among the Parties on a variety Of matters related to the implementation of the AIDCP; and consulting with other experts as necessary in order to achieve the objectives of the Agreement.

General Provisions

Each appointed member of the Committee and the Subcommittee/NATSAC shall be appointed for a term of 3 years and may be reappointed.

Logistical and administrative support for the operation of the Committee and the Subcommittee will be provided by the Department of State, Bureau of Oceans and International Environmental and Scientific Affairs, and by the Department of Commerce, National Marine Fisheries Service. Members shall receive no compensation for their service on either the Committee or the Subcommittee/NATSAC, nor will members be compensated for travel or other expenses associated with their participation.

Procedures for Submitting Applications/Nominations

Applications/nominations for the General Advisory Committee and the Scientific Advisory Subcommittee/NATSAC should be submitted to the Department of State (See **ADDRESSES**). Such applications/nominations should include the following information:

(1) Full name/address/phone/fax and e-mail of applicant/nominee;

(2) Whether applying/nominating for the General Advisory Committee or the Scientific Advisory Committee/NATSAC (applicants may specify both);

(3) Applicant/nominee's organization or professional affiliation serving as the basis for the application/nomination;

(4) Background statement describing the applicant/nominee's qualifications

and experience, especially as related to the tuna purse seine fishery in the eastern Pacific Ocean or other factors relevant to the implementation of the Convention Establishing the IATTC or the Agreement on the International Dolphin Conservation Program;

(5) A written statement from the applicant/nominee of intent to participate actively and in good faith in the meetings and activities of the General Advisory Committee and/or the Scientific Advisory Subcommittee/NATSAC.

Applicants/nominees who submitted material in response to the **Federal Register** Notice published by the National Marine Fisheries Service on November 12, 1999, should resubmit their applications pursuant to this notice.

Mary Beth West,

Deputy Assistant Secretary for Oceans and Fisheries, Department of State.

[FR Doc. 02–28675 Filed 11–8–02; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF STATE

[Public Notice 4154]

Defense Trade Advisory Group; Notice of Open Meeting

The Defense Trade Advisory Group (DTAG) will meet in open session from 9 a.m. to 12 noon on Tuesday, November 26, 2002, in Room 1912 at the U.S. Department of State, Harry S. Truman Building, 2201 C Street NW., Washington, DC. Entry and registration will begin at 8:15. The membership of this advisory committee consists of private sector defense trade specialists, appointed by the Assistant Secretary of State for Political-Military Affairs, who advise the Department on policies, regulations, and technical issues affecting defense trade. The purpose of the meeting will be to review progress of the working groups and to discuss current defense trade issues and topics for further study.

A separate afternoon session of DTAG's Regulatory/Technical Working Group will be held in the same room from 2 p.m. to 4 p.m. The session will focus on current controls on International Traffic in Arms Regulations (ITAR) Categories XI (Military Electronics) and XII (Fire Control, Range Finder, Optical and Guidance and Control Equipment) and certain possible changes to the controls in these categories. Attendance at this session must be registered separately with the Office of Defense Trade Controls as described below.

Although public seating will be limited due to the size of the conference room, members of the public may attend these open sessions as seating capacity allows, and will be permitted to participate in the discussion in accordance with the Chairman's instructions. Members of the public may, if they wish, submit a brief statement to the committee in writing.

As access to the Department of State facilities is controlled, persons wishing to attend the meeting must notify the DTAG Executive Secretariat by COB Thursday, November 21, 2002. If notified after this date, the DTAG Secretariat cannot guarantee that State's Bureau of Diplomatic Security can complete the necessary processing required to attend the November 26 plenary.

Each non-member observer wishing to attend the morning plenary session should provide his/her name, company or organizational affiliation, date of birth, and social security number to the DTAG Secretariat by fax to (202) 647–9779 (Attention: Mike Slack). Those members of the public wishing to attend the afternoon session of the Regulatory/Technical Working Group should fax the entry information listed above to the Office of Defense Trade Controls at (202) 261–8199 (Attention: Steve Tomchik). A list will be made up for Diplomatic Security and the Reception Desk at the C Street Entrance. Attendees must present a driver's license with photo, a passport, a U.S. Government ID, or other valid photo ID for entry.

FOR FURTHER INFORMATION CONTACT: Mike Slack, DTAG Secretariat, U.S. Department of State, Office of Regional Security and Arms Transfers (PM/RSAT), Room 5827 Main State, Washington, DC 20520–2422. Phone (202) 647–2882. Fax: (202) 647–9779.

Dated: November 1, 2002.

Timothy J. Dunn,

Executive Secretary, Defense Trade Advisory Group, Department of State.

[FR Doc. 02–28676 Filed 11–8–02; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

[Public Notice 4155]

Advisory Committee on Historical Diplomatic Documentation; Notice of Meeting

The Advisory Committee on Historical Diplomatic Documentation will meet in the Department of State, 2201 ''C'' Street NW., Washington, DC, December 2, 2002 in Room 1205 and December 3, 2002, in Conference Room 1105. Prior notification and a valid photo are mandatory for entrance into the building. One week before the meeting, members of the public planning to attend must notify Gloria Walker, Office of the Historian (202–663–1124) to provide relevant dates of birth, Social Security numbers, and telephone numbers.

The Committee will meet in open session from 1:30 p.m. through 3 p.m. on Monday, December 2, 2002, to discuss declassification and transfer of Department of State electronic records to the National Archives and Records Administration and the status of the Foreign Relations series. The remainder of the Committee's sessions from 3:15 p.m. until 4:30 p.m. on Monday, December 2, 2002, and 9 a.m. until 1 p.m. on Tuesday, December 3, 2002, will be closed in accordance with section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463). The agenda calls for discussions of agency declassification decisions concerning the Foreign Relations series. These are matters not subject to public disclosure under 5 U.S.C. 552b(c)(1) and the public interest requires that such activities be withheld from disclosure.

Questions concerning the meeting should be directed to Marc J. Susser, Executive Secretary, Advisory Committee on Historical Diplomatic Documentation, Department of State, Office of the Historian, Washington, DC, 20520, telephone (202) 663–1123, (e-mail *history@state.gov).*

Dated: October 29, 2002.

Marc J. Susser,

Executive Secretary, Advisory Committee on Historical Diplomatic Documentation, Department of State.

[FR Doc. 02–28674 Filed 11–8–02; 8:45 am]

BILLING CODE 4710–11–P

DEPARTMENT OF STATE

[Public Notice 4190]

Advisory Committee on International Economic Policy; Notice of Open Meeting

The Advisory Committee on International Economic Policy (ACIEP) will meet from 9:15 a.m. to 11:45 a.m. on Tuesday, November 19, 2002 at the DACOR Bacon House, 1801 F Street NW., Washington, DC 20006. The meeting will be hosted by Committee Chairman R. Michael Gadbaw and Assistant Secretary of State for Economic and Business Affairs E. Anthony Wayne.

The ACIEP serves the U.S. Government in a solely advisory

capacity concerning issues and problems in international economic policy. The objective of the ACIEP is to provide expertise and insight on these issues that are not available within the U.S. Government.

Topics for the November 19 meeting will be:

- Corporate Responsibility
- Business Visas
- Outcome of the Asia-Pacific Economic Cooperation Leaders Meeting

The public may attend these meetings as seating capacity allows. The media is welcome but discussions are off the record.

For further information about the meeting, please contact Eliza Koch, ACIEP Secretariat, Office of Economic Policy and Public Diplomacy, Economic Bureau, U.S. Department of State, Room 3526, 2201 C Street NW, Washington, DC 20520, Tel (202) 647–1310.

Dated: November 6, 2002.

Eliza Koch,

Executive Secretary, Advisory Committee on International Economic Policy.

[FR Doc. 02–28819 Filed 11–8–02; 8:45 am]

BILLING CODE 4710–07–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Meeting of the Industry Sector Advisory Committee on Small and Minority Business (ISAC–14)

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of a partially opened meeting.

SUMMARY: The Industry Sector Advisory Committee on Small and Minority Business (ISAC–14) will hold a meeting on December 2, 2002, from 9 a.m. to 3 p.m. The meeting will be opened to the public from 2 p.m. to 3 p.m. The meeting will be closed to the public from 9 a.m. to 2 p.m.

DATES: The meeting is scheduled for December 2, 2002, unless otherwise notified.

ADDRESSES: The meeting will be held at the International Trade Center, Ronald Reagan Building, Training Room C, located at 14th and Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tamara Underwood, DFO at (202) 482–4792, Department of Commerce, 14th Street and Constitution Avenue, SW., Washington, DC 20230 or Christina Sevilla, Director for Intergovernmental Affairs, on (202) 395–6120.

SUPPLEMENTARY INFORMATION: During the opened portion of the meeting the following agenda item will be discussed.

- Report by Department of Commerce's Office of Trade and Economic Analysis on Recently Published SME

Christopher A. Padilla,

Assistant, U.S. Trade Representative for Intergovernmental Affairs and Public Liaison.

[FR Doc. 02–28555 Filed 11–8–02; 8:45 am]

BILLING CODE 3190–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

North American Free Trade Agreement; Invitation for Applications for Inclusion on the Chapter 19 Roster

AGENCY: Office of the United States Trade Representative.

ACTION: Invitation for applications.

SUMMARY: Chapter 19 of the North American Free Trade Agreement (''NAFTA'') provides for the establishment of a roster of individuals to serve on binational panels convened to review final determinations in antidumping or countervailing duty (''AD/CVD'') proceedings and amendments to AD/CVD statutes of a NAFTA Party. The United States annually renews its selections for the Chapter 19 roster. Applications are invited from eligible individuals wishing to be included on the roster for the period April 1, 2003 through March 31, 2004.

DATES: Applications should be received no later than December 3, 2002.

ADDRESSES: Comments should be submitted (i) electronically, to *FR0050@ustr.gov,* Attn: ''Chapter 19 Roster Applications'' in the subject line, or (ii) by mail, first class, postage prepaid, to Sandy McKinzy, Monitoring and Enforcement Unit, Office of the General Counsel, Room 122, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508, Attn: Chapter 19 Roster Applications, with a confirmation copy sent electronically to the email address above or by fax to 202–395–3640.

FOR FURTHER INFORMATION CONTACT: Amber L. Cottle, Assistant General Counsel, Office of the United States Trade Representative, (202) 395–3581.

SUPPLEMENTARY INFORMATION:

Binational Panel Reviews Under NAFTA Chapter 19

Article 1904 of the NAFTA provides that a party involved in an AD/CVD proceeding may obtain review by a binational panel of a final AD/CVD determination of one NAFTA Party with respect to the products of another NAFTA Party. Binational panels decide whether such AD/CVD determinations are in accordance with the domestic laws of the importing NAFTA Party, and must use the standard of review that would have been applied by a domestic court of the importing NAFTA Party. A panel may uphold the AD/CVD determination, or may remand it to the national administering authority for action not inconsistent with the panel's decision. Panel decisions may be reviewed in specific circumstances by a three-member extraordinary challenge committee, selected from a separate roster composed of fifteen current or former judges.

Article 1903 of the NAFTA provides that a NAFTA Party may refer an amendment to the AD/CVD statutes of another NAFTA Party to a binational panel for a declaratory opinion as to whether the amendment is inconsistent with the General Agreement on Tariffs and Trade (''GATT''), the GATT Antidumping or Subsidies Codes, successor agreements, or the object and purpose of the NAFTA with regard to the establishment of fair and predictable conditions for the liberalization of trade. If the panel finds that the amendment is inconsistent, the two NAFTA Parties shall consult and seek to achieve a mutually satisfactory solution.

Chapter 19 Roster and Composition of Binational Panels

Annex 1901.2 of the NAFTA provides for the maintenance of a roster of at least 75 individuals for service on Chapter 19 binational panels, with each NAFTA Party selecting at least 25 individuals. A separate five-person panel is formed for each review of a final AD/CVD determination or statutory amendment. To form a panel, the two NAFTA Parties involved each appoint two panelists, normally by drawing upon individuals from the roster. If the Parties cannot agree upon the fifth panelist, one of the Parties, decided by lot, selects the fifth panelist from the roster. The majority of individuals on each panel must consist of lawyers in good standing, and the chair of the panel must be a lawyer.

Upon each request for establishment of a panel, roster members from the two involved NAFTA Parties will be requested to complete a disclosure form, which will be used to identify possible conflicts of interest or appearances thereof. The disclosure form requests information regarding financial interests and affiliations, including information regarding the identity of clients of the roster member and, if applicable, clients of the roster member's firm.

Criteria for Eligibility for Inclusion on Chapter 19 Roster

Section 402 of the NAFTA Implementation Act (Pub. L. 103–182, as amended (19 U.S.C. 3432)) (''Section 402'') provides that selections by the United States of individuals for inclusion on the Chapter 19 roster are to be based on the eligibility criteria set out in Annex 1901.2 of the NAFTA, and without regard to political affiliation. Annex 1901.2 provides that Chapter 19 roster members must be citizens of a NAFTA Party, must be of good character and of high standing and repute, and are to be chosen strictly on the basis of their objectivity, reliability, sound judgment, and general familiarity with international trade law. Aside from judges, roster members may not be affiliated with any of the three NAFTA Parties. Section 402 also provides that, to the fullest extent practicable, judges and former judges who meet the eligibility requirements should be selected.

Procedures for Selection of Chapter 19 Roster Members

Section 402 establishes procedures for the selection by the Office of the United States Trade Representative (''USTR'') of the individuals chosen by the United States for inclusion on the Chapter 19 roster. The roster is renewed annually, and applies during the one-year period beginning April 1 of each calendar year.

Under Section 402, an interagency committee chaired by USTR prepares a preliminary list of candidates eligible for inclusion on the Chapter 19 Roster. After consultation with the Senate Committee on Finance and the House Committee on Ways and Means, USTR selects the final list of individuals chosen by the United States for inclusion on the Chapter 19 roster.

Remuneration

Roster members selected for service on a Chapter 19 binational panel will be remunerated at the rate of 800 Canadian dollars per day.

Applications

Eligible individuals who wish to be included on the Chapter 19 roster for the period April 1, 2003 through March 31, 2004 are invited to submit applications. Persons submitting applications may either send one copy by U.S. mail, first class, postage prepaid, to Sandy McKinzy at the address listed above or transmit a copy electronically to *FR0050@ustr.gov,* with ''Chapter 19 Roster Applications'' in the subject line. For documents sent by U.S. mail, USTR requests that the submitter provide a confirmation copy, either electronically or by fax to 202–395–3640. USTR encourages the submission of documents in Adobe PDF format, as attachments to an electronic mail. Interested persons who make submissions by electronic mail should not provide separate cover letters; information that might appear in a cover letter should be included in the submission itself. Similarly, to the extent possible, any attachments to the submission should be included in the same file as the submission itself, and not as separate files.

Applications must be typewritten, and should be headed ''Application for Inclusion on NAFTA Chapter 19 Roster.'' Applications should include the following information, and each section of the application should be numbered as indicated:

1. Name of the applicant.
2. Business address, telephone number, fax number, and email address.
3. Citizenship(s).
4. Current employment, including title, description of responsibility, and name and address of employer.
5. Relevant education and professional training.
6. Spanish language fluency, written and spoken.
7. Post-education employment history, including the dates and addresses of each prior position and a summary of responsibilities.
8. Relevant professional affiliations and certifications, including, if any, current bar memberships in good standing.
9. A list and copies of publications, testimony, and speeches, if any, concerning AD/CVD law. Judges or former judges should list relevant judicial decisions. Only one copy of publications, testimony, speeches, and decisions need be submitted.
10. Summary of any current and past employment by, or consulting or other work for, the United States, Canadian, or Mexican Governments.
11. The names and nationalities of all foreign principals for whom the applicant is currently or has previously been registered pursuant to the Foreign Agents Registration Act, 22 U.S.C. 611 *et seq.*, and the dates of all registration periods.
12. List of proceedings brought under U.S., Canadian, or Mexican AD/CVD law regarding imports of U.S., Canadian, or Mexican products in which the applicant advised or represented (for example, as consultant or attorney) any U.S., Canadian, or Mexican party to such proceeding and, for each such proceeding listed, the name and country of incorporation of such party.
13. A short statement of qualifications and availability for service on Chapter 19 panels, including information relevant to the applicant's familiarity with international trade law and willingness and ability to make time commitments necessary for service on panels.
14. On a separate page, the names, addresses, telephone, and fax number of three individuals willing to provide information concerning the applicant's qualifications for service, including the applicant's character, reputation, reliability, judgment, and familiarity with international trade law.

Current Roster Members and Prior Applicants

Current members of the Chapter 19 roster who remain interested in inclusion on the Chapter 19 roster must submit updated applications. Individuals who have previously applied but have not been selected may reapply. If an applicant, including a current or former roster member, has previously submitted materials referred to in item 9, such materials need not be resubmitted.

Public Disclosure

Applications normally will be subject to public disclosure. An applicant who wishes to exempt information from public disclosure should follow the procedures set forth in 15 CFR 2003.6.

False Statements

Pursuant to section 402(c)(5) of the NAFTA Implementation Act, false statements by applicants regarding their personal or professional qualifications, or financial or other relevant interests that bear on the applicants' suitability for placement on the Chapter 19 roster or for appointment to binational panels, are subject to criminal sanctions under 18 U.S.C. 1001.

Paperwork Reduction Act

This notice contains a collection of information provision subject to the Paperwork Reduction Act (''PRA'') that has been approved by the Office of Management and Budget (''OMB''). 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 PRA unless that collection of information displays a currently valid OMB number. This notice's collection of information burden is only for those persons who wish voluntarily to apply for nomination to the NAFTA Chapter 19 roster. It is expected that the collection

of information burden will be under 3 hours. This collection of information contains no annual reporting or record keeping burden. This collection of information was approved by OMB under OMB Control Number 0350–0009. Please send comments regarding the collection of information burden or any other aspect of the information collection to USTR at the address above.

Privacy Act

The following statements are made in accordance with the Privacy Act of 1974, as amended (5 U.S.C. 552a). The authority for requesting information to be furnished is section 402 of the NAFTA Implementation Act. Provision of the information requested above is voluntary; however, failure to provide the information will preclude your consideration as a candidate for the NAFTA Chapter 19 roster. This information is maintained in a system of records entitled ''Dispute Settlement Panelists Roster.'' Notice regarding this system of records was published in the **Federal Register** on November 30, 2001. The information provided is needed, and will be used by USTR, other federal government trade policy officials concerned with NAFTA dispute settlement, and officials of the other NAFTA Parties to select well-qualified individuals for inclusion on the Chapter 19 roster and for service on Chapter 19 binational panels.

Daniel E. Brinza,

Assistant United States Trade Representative for Monitoring and Enforcement.

[FR Doc. 02–28556 Filed 11–8–02; 8:45 am]

BILLING CODE 3190–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2002–12844]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption from the vision standard; request for comments.

SUMMARY: This notice publishes the FMCSA's receipt of applications from 35 individuals for an exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. If granted, the exemptions will enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce without meeting the vision standard prescribed in 49 CFR 391.41(b)(10).

DATES: Comments must be received on or before December 12, 2002.

ADDRESSES: You can mail or deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001. You can also submit comments at *http://dms.dot.gov.* Please include the docket number that appears in the heading of this document. You can examine and copy this document and all comments received at the same Internet address or at the Dockets Management Facility from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Zywokarte, Office of Bus and Truck Standards and Operations, (202) 366–2987, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

You may see all the comments online through the Document Management System (DMS) at: *http://dmses.dot.gov/submit.*

Background

Under 49 U.S.C. 31315 and 31136(e), the FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' The statute also allows the agency to renew exemptions at the end of the 2-year period. The 35 individuals listed in this notice have recently requested an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety.

Qualifications of Applicants

1. Doris V. Adams

Mr. Adams, age 65, has had glaucomatous optic nerve atrophy in his right eye since 1988. His visual acuity is count fingers in the right eye and 20/20 in the left. Following an examination in 2002, his ophthalmologist affirmed, ''It is therefore my medical opinion that due to the stability of his overall visual function and his eye examination, that he has sufficient vision to continue to perform driving tasks related to operating a commercial vehicle.'' In his application, Mr. Adams reported that he has driven tractor-trailer combinations for 30 years, accumulating 4.5 million miles. He holds a Class A commercial driver's license (CDL) from the State of Washington, and his driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

2. Thomas E. Adams

Mr. Adams, 45, has counting fingers vision in his left eye due to an injury he sustained during infancy. His vision is 20/20 in the right eye. Following an examination in 2001, his ophthalmologist certified, ''In my opinion Mr. Adams has sufficient vision and full visual field in his right eye to perform the driving tasks required to operate a commercial vehicle.'' Mr. Adams reported that he has driven straight trucks for 25 years, accumulating 25,000 miles, and tractor-trailer combinations for 20 years, accumulating 1.5 million miles. He holds a Class A CDL from Indiana, and his driving record shows that he has had no accidents or convictions for traffic violations in a CMV during the last 3 years.

3. Rodger B. Anders

Mr. Anders, 45, has a history of alternating exotropia with nystagmus since birth. His best-corrected vision in the right eye is 20/60 and in the left, 20/40. An optometrist examined him in 2002 and certified, ''Mr. Anders' visual deficiency is stable, and I feel he may operate a commercial vehicle safely.'' Mr. Anders submitted that he has driven straight trucks for 16 years, accumulating 640,000 miles. He holds a Class A CDL from Maryland, and there are no accidents or convictions for moving violations in a CMV on his driving record for the last 3 years.

4. Thomas J. Boss

Mr. Boss, 33, has amblyopia in his right eye. His best-corrected visual acuity is 20/400 in the right eye and 20/20 in the left. Following an examination in 2002, his optometrist commented, ''It is my opinion that Mr. Boss has sufficient vision to perform driving tasks that are required to operate a commercial vehicle.'' Mr. Boss submitted that he has driven straight

trucks for 14 years, accumulating 742,000 miles. He holds a Class B CDL from Illinois, and his driving record shows he has had no accidents or convictions for moving violations in a CMV during the last 3 years.

5. Jack W. Boulware

Mr. Boulware, 75, has a history of macular degeneration in his left eye for the last 6 years. His best-corrected visual acuity is 20/15 in the right eye and 20/40 in the left. Following an examination in 2002, his ophthalmologist certified, ''I believe that this patient has sufficient vision to perform driving tasks required to operate a commercial vehicle.'' In his application, Mr. Boulware indicated he has driven buses for 4 years, accumulating 114,000 miles. He holds a Class C CDL from Missouri, and his driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

6. Mark L. Braun

Mr. Braun, 41, has amblyopia in his right eye. His best-corrected visual acuity is 20/100 in the right eye and 20/20 in the left. Following an examination in 2002, his ophthalmologist certified, ''I believe he does have sufficient vision to perform the driving tasks to operate a commercial vehicle.'' Mr. Braun submitted that he has driven straight trucks and tractor-trailer combinations for 17 years, accumulating 85,000 miles in the former and 850,000 miles in the latter. He holds a Class A CDL from the State of Washington, and his driving record shows he has had no accidents or convictions for moving violations in a CMV in the last 3 years.

7. Howard F. Breitkreutz

Mr. Breitkreutz, 53, lost his right eye in 1969 due to trauma. He has visual acuity of 20/20 in the left eye. An optometrist who examined him in 2002 certified, ''Based on our examination findings, my medical opinion is that he does have sufficient vision to safely operate a commercial vehicle and can perform the necessary driving tasks required.'' Mr. Breitkreutz submitted that he has operated straight trucks and tractor-trailer combinations for 4 years, accumulating 20,000 miles in each. He holds a Class A CDL from Minnesota, and his driving record shows he has had no accidents or convictions for traffic violations in a CMV for the last 3 years.

8. Ryan J. Christensen

Mr. Christensen, 29, has amblyopia in his left eye. His visual acuity is 20/15 corrected in the right eye and light perception in the left. An optometrist examined him in 2002 and certified, ''Ryan appears to have sufficient visual fields to operate a commercial vehicle. His right eye provides good central vision and the combination of fields allows at least reasonable total field coverage.'' Mr. Christensen reported that he has driven straight trucks for 1 year, accumulating 7,000 miles, and tractor-trailer combinations for 2 years, accumulating 108,000 miles. He holds a Class A CDL from Utah, and his driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

9. Kenneth E. Coplan

Mr. Coplan, 74, lost his left eye due to an injury 60 years ago. His best-corrected visual acuity in the right eye is 20/20–1. An optometrist examined him in 2002, and certified, ''He sees adequately well to operate a commercial vehicle.'' In his application, Mr. Coplan indicated he has 10 years and 750,000 miles of experience in driving straight trucks and 30 years and 3.0 million miles of experience in driving tractor-trailer combinations. He holds a Class A CDL from Arizona, and his driving record shows no accidents or moving violations in a CMV during the last 3 years.

10. William T. Cummins

Mr. Cummins, 55, has only light perception in his right eye due to an injury in 1979. Following an examination in 2002, his optometrist noted that he has 20/20 vision and 120 degrees of visual field in the left eye and certified, ''I see no reason why William Cummins would have any problems operating a commercial vehicle.'' Mr. Cummins reported that he has driven straight trucks and tractor-trailer combinations for 20 years, accumulating 400,000 miles in the former and 300,000 miles in the latter. He holds a Class DMA CDL from Kentucky, and there are no accidents or convictions for moving violations in a CMV on his driving record for the last 3 years.

11. John E. Evenson

Mr. Evenson, 44, has amblyopia in his left eye. His best-corrected visual acuity is 20/20 in the right eye and 20/200 in the left. His ophthalmologist examined him in 2002 and certified, ''In my opinion he has sufficient vision to operate a commercial vehicle while on intrastate and/or inter-state roadways.'' In his application, Mr. Evenson reported that he has driven tractor-trailer combinations for 11 years, accumulating 913,000 miles. He holds a Wisconsin Class ABCD CDL. His driving record for the last 3 years shows that he has had one accident and no convictions for moving violations in a CMV. According to the police report, another driver pulled into his lane on his right side as he was preparing to make a wide right turn in a tractor-trailer combination. The police report indicated that as Mr. Evenson started the turn, he struck the other vehicle, which was also attempting to turn right. The other driver was cited for ''Failure to Yield Right of Way.'' Mr. Evenson was not cited.

12. Leon Frieri

Mr. Frieri, 45, has had a macular scar in his left eye for 6 years. His visual acuity is 20/20 in the right eye and 20/200 in the left. His ophthalmologist examined him in 2002 and certified, ''Mr. Frieri in my opinion has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Frieri submitted that he has driven straight trucks for 8 years, accumulating 280,000 miles. He holds a Class D driver's license from Massachusetts, and there are no CMV accidents or convictions for moving violations on his driving record for the last 3 years.

13. Wayne H. Holt

Mr. Holt, 28, has amblyopia of the left eye. His visual acuity is 20/20 in the right eye and 20/200 in the left. Following an examination in 2002, his optometrist certified, ''Wayne does have sufficient vision to perform the driving ability to operate a commercial vehicle.'' Mr. Holt submitted that he has operated straight trucks and tractor-trailer combinations for 3 years, accumulating 15,000 miles in each. He holds a Class A CDL from Utah, and he has had no accidents or convictions for traffic violations in a CMV for the last 3 years, according to his driving record.

14. Steven C. Humke

Mr. Humke, 49, lost his left eye due to an accident approximately 22 years ago. His best-corrected visual acuity is 20/15 in the right eye. An optometrist who examined him in 2001 stated, ''I certify that in my own medical opinion, Steve Humke has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Humke submitted that he has driven tractor-trailer combinations for 25 years, accumulating 2.3 million miles. He holds a Class A CDL from Iowa, and his driving record for the past 3 years shows no accidents or convictions for moving violations in a CMV.

15. Leon E. Jackson

Mr. Jackson, 54, has had a blind right eye due to trauma since the age of 8. His best-corrected vision is 20/15 in the left

eye. An optometrist who examined him in 2002 certified, ''I believe he has adapted to his deficiency and would be able visually to operate a commercial vehicle.'' Mr. Jackson reported that he has operated tractor-trailer combinations for 30 years, accumulating 3.7 million miles. He holds a Class AM CDL from Georgia, and his driving record for the last 3 years shows he has had no accidents or convictions for moving violations in a CMV.

16. Neil W. Jennings

Mr. Jennings, 33, lost his left eye in 1985 due to an injury. His best-corrected visual acuity is 20/20 in the right eye. An ophthalmologist examined him in 2001 and certified, ''It is my medical opinion that Mr. Neil Wade Jennings has sufficient vision, both by acuity and visual field, to perform the driving tasks required to operate a commercial vehicle.'' According to Mr. Jennings' application, he has driven straight trucks for 16 years, accumulating 32,000 miles, and tractor-trailer combinations for 6 years, accumulating 330,000 miles. He holds a Class A CDL from Missouri. His driving record shows he has had no accidents or convictions for traffic violations in a CMV for the last 3 years.

17. Jimmy C. Killian

Mr. Killian, 42, has amblyopia in his right eye. His best-corrected visual acuity is 20/100 in the right eye and 20/20 in the left. An optometrist examined him in 2002 and certified, ''It is my opinion that Mr. Killian has sufficient vision to perform the driving tasks required for a commercial vehicle.'' Mr. Killian stated that he has driven straight trucks for 13 years, accumulating 515,000 miles. He holds a North Carolina Class C driver's license, and his driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

18. Craig M. Landry

Mr. Landry, 33, has amblyopia in his right eye. His best-corrected visual acuity is 20/100 in the right eye and 20/20 in the left. An ophthalmologist who examined him in 2002 certified, ''Mr. Landry's vision and visual fields are more than sufficient to perform the driving tasks required to operate a commercial vehicle.'' Mr. Landry reported that he has driven straight trucks for 6 years, accumulating 162,000 miles. He holds a Class D chauffeur's license from Louisiana, and his driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

19. Earl E. Louk

Mr. Louk, 46, has amblyopia in his right eye. His best-corrected vision is 20/100 in the right eye and 20/20 in the left. His ophthalmologist examined him in 2002 and certified, ''In my opinion, he has more than sufficient vision to perform his tasks of driving a commercial vehicle.'' In his application, Mr. Louk indicated he has driven straight trucks for 25 years, accumulating 1.8 million miles. He holds a Class C driver's license from Pennsylvania, and his driving record for the past 3 years shows no accidents or convictions for traffic violations in a CMV.

20. William R. Mayfield

Mr. Mayfield, 47, has amblyopia in his left eye. His visual acuity in the right eye is 20/20 and in the left 20/200. An ophthalmologist examined him in 2002 and certified, ''It is my medical opinion that he has sufficient vision to safely perform the driving tasks required to operate a commercial vehicle.'' In his application, Mr. Mayfield stated he has 13 years and 1.3 million miles of experience in operating straight trucks, and 15 years and 1.5 million miles of experience in operating tractor-trailer combinations. He holds a Utah Class A CDL, and there are no accidents or convictions for moving violations in a CMV on his record for the last 3 years.

21. Thomas E. Mobley

Mr. Mobley, 55, lost his left eye due to an injury in 1952. His uncorrected visual acuity in the right eye is 20/20. Following an examination in 2002, his ophthalmologist stated, ''In my opinion, with his monocular vision as good as it is in the right eye, he would have sufficient vision to perform his driving tasks of operating a commercial vehicle.'' Mr. Mobley submitted that he has driven straight trucks for 17 years, accumulating 850,000 miles, and tractor-trailer combinations for 16 years, accumulating 1.9 million miles. He holds a Class AM CDL from Illinois. His driving record shows he has had no accidents or convictions for traffic violations in a CMV for the last 3 years.

22. Richard E. Nordhausen

Mr. Nordhausen, 42, has corneal and retinal scarring in his left eye due to an injury 30 years ago. His best-corrected visual acuity is 20/20 in the right eye and 20/400 in the left. Following an examination in 2002, his optometrist stated, ''In my medical opinion, Rick has more than adequate vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Nordhausen submitted that he has driven straight trucks for 2 years, accumulating 40,000 miles, and tractor-trailer combinations for 16 years, accumulating 400,000 miles. He holds a Class A CDL from the State of Washington. His driving record shows he had no accidents and one conviction for a traffic violation—Speeding—in a CMV for the last 3 years. He exceeded the speed limit by 15 mph.

23. James P. Oliver

Mr. Oliver, 47, has amblyopia in his right eye. His corrected visual acuity is 20/40–3 in the right eye and 20/20 in the left. Following an examination in 2001, his optometrist commented, ''In my opinion he has more than sufficient vision to operate a commercial vehicle.'' According to Mr. Oliver's application, he has driven straight trucks for 28 years, accumulating 448,000 miles, and tractor-trailer combinations for 5 years, accumulating 70,000 miles. He holds a Class A CDL from New York, and, according to his driving record, he has had no accidents or convictions for moving violations in a CMV during the last 3 years.

24. Jesse R. Parker

Mr. Parker, 30, has amblyopia in his right eye. His best-corrected visual acuity is 20/60 in the right eye and 20/20 in the left. His optometrist examined him in 2002 and stated, ''It is my medical opinion that Jesse R. Parker has sufficient vision to perform driving tasks required to operate a commercial vehicle.'' Mr. Parker reported that he has driven straight trucks for 5 years, accumulating 82,000 miles. He holds a Class A CDL from Mississippi, and his driving record for the last 3 years contains no accidents or convictions for moving violations in a CMV.

25. Tony E. Parks

Mr. Parks, 52, lost his right eye as a result of an accident in 1998. His visual acuity in the left eye is 20/20 with correction. Following an examination in 2002, his ophthalmologist stated, ''I see no change in his ocular status and he appears to have sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Parks reported that he has driven straight trucks for 10 years, accumulating 360,000 miles, and tractor-trailer combinations for 25 years, accumulating 1.8 million miles. He holds a Class A CDL from North Carolina, and his driving record shows that he has had no accidents or convictions for moving violations in a CMV for the last 3 years.

26. Andrew H. Rusk

Mr. Rusk, 43, lost his right eye in 1973 due to trauma. His best-corrected vision in the left eye is 20/20. Following an examination in 2002, his optometrist stated, ''In reviewing this information, I feel that Mr. Rusk has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Rusk submitted that he has driven straight trucks for 6 years, accumulating 60,000 miles, and tractor-trailer combinations for 11 years, accumulating 550,000 miles. He holds an Illinois Class A CDL, and his driving record shows that during the last 3 years he has had no accidents or convictions for moving violations in a CMV.

27. Henry A. Shelton

Mr. Shelton, 48, has amblyopia in his right eye. His best-corrected vision is 20/100 in the right eye and 20/20 in the left. An ophthalmologist examined him in 2002 and stated, ''In my opinion, this patient has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Shelton reported that he has driven straight trucks for 20 years, accumulating 442,000 miles. He holds an Alabama Class DV driver's license, and his driving record shows that he has had no accidents or convictions for moving violations in a CMV for the past 3 years.

28. Richard L. Sheppard

Mr. Sheppard, 50, has amblyopia in his left eye. His best-corrected visual acuity is 20/20 in the right eye and 20/400 in the left. An optometrist examined him in 2002, and commented, ''In my opinion, Mr. Sheppard has sufficient vision in order to perform the driving task which is required as a part of his commercial license.'' Mr. Sheppard submitted that he has operated straight trucks and tractor-trailer combinations for 25 years, accumulating 50,000 miles in the former and 62,000 miles in the latter. He holds a Class A CDL from Maryland, and his driving record shows he has had no accidents or convictions for moving violations in a CMV for the last 3 years.

29. Jayland R. Siebers

Mr. Siebers' right eye was removed in 2001 due to an anterior optic nerve meningioma that had progressed very slowly since 1993. His visual acuity is 20/20 in the left eye. Following an examination in 2002, his optometrist certified, ''I see no specific contraindication to his continued driving record as it pertains to his ocular status. There is no specific contraindication against monocular drivers and he should be able to continue driving a commercial vehicle in the same manner as he has to this juncture.'' According to his application, Mr. Siebers, age 46, has operated tractor-trailer combinations for 25 years, accumulating 3.0 million miles. He holds a Kansas Class A CDL, and his driving record for the last 3 years shows he has had no accidents or convictions for moving violations in a CMV.

30. Deborah A. Sigle

Ms. Sigle, 49, has amblyopia in her left eye. Her visual acuity is 20/20 in the right eye and hand motions in the left. Following an examination in 2001, her ophthalmologist certified, ''The standards for operating a commercial vehicle vary from state to state. However, assuming that full binocular vision is not required, Ms. Sigle has normal vision in the right eye, and a normal binocular visual field, so this should be adequate to operate a commercial vehicle.'' Ms. Sigle reported that she has driven straight trucks for 12 years, accumulating 480,000 miles. She holds a Class A CDL from New Jersey. Her driving record shows no accidents or convictions for moving violations in a CMV for the last 3 years.

31. David A. Stafford

Mr. Stafford, 58, is blind in the left eye due to trauma approximately 20 years ago. He has best-corrected visual acuity of 20/20 in the right eye. An optometrist examined him in 2002 and certified, ''Mr. Stafford's left eye is stable and requires no treatment at this time. His right eye is completely healthy and allows him to safely and efficiently drive a commercial vehicle.'' Mr. Stafford reported that he has driven straight trucks for 10 years, accumulating 250,000 miles, and tractor-trailer combination vehicles for 7 years, accumulating 175,000 miles. He holds a Class A CDL from Illinois. His driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

32. Ronald A. Stevens

Mr. Stevens, 58, has amblyopia in his right eye. His best-corrected visual acuity is 20/400 in the right eye and 20/20+ in the left. Following an examination in 2002, his optometrist stated, ''In my opinion, Ronald Stevens has sufficient vision to continue to perform the driving tasks required to operate a commercial vehicle.'' Mr. Stevens reported that he has driven straight trucks and tractor-trailer combinations for 40 years, accumulating 480,000 miles in the former and 200,000 miles in the latter. He holds a Class A CDL from Ohio, and his driving record shows he has had no accidents or convictions for moving violations in a CMV over the last 3 years.

33. Kenneth E. Vigue, Jr.

Mr. Vigue, 39, has had a cataract in his right eye since he underwent surgery for a detached retina in 1987. His visual acuity is 20/400 in the right eye and 20/20 in the left. An optometrist examined him in 2002 and stated, ''Due to the longstanding nature and stability of Mr. Vigue's ocular and visual conditions, he continues to have sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Vigue, who holds a Class A CDL from the State of Washington, reported that he has been driving straight trucks and tractor-trailer combination vehicles for 18 years, accumulating 990,000 miles in the former and 180,000 in the latter. His driving record shows he has had no accidents and one conviction for a moving violation '' ''Failure to Secure Load'' '' in a CMV during the last 3 years.

34. David G. Williams

Mr. Williams, 49, is blind in the left eye due to an injury 40 years ago. His best-corrected visual acuity is 20/20 in the right eye. Following an examination in 2001, his optometrist certified, ''In my opinion Mr. Williams has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Williams reported that he has operated straight trucks for 15 years, accumulating 225,000 miles. He holds an operator's license from the State of Washington, and his driving record for the last 3 years shows no accidents or convictions for moving violations in a CMV.

35. Richard A. Winslow

Mr. Winslow, 49, has amblyopia in his right eye. His best-corrected vision is 20/200 in the right eye and 20/20 in the left. Following an examination in 2002, his optometrist certified, ''I believe he sees well enough to safely operate a commercial vehicle.'' Mr. Winslow submitted that he has driven tractor-trailer combinations for 24 years, accumulating 3.1 million miles. He holds a Class A CDL from Minnesota, and his driving record for the last 3 years shows no accidents or convictions for traffic violations in a CMV.

Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), the FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before

the close of business on the closing date indicated earlier in the notice.

Issued on: November 5, 2002.

Brian M. McLaughlin,

Associate Administrator, Policy and Program Development.

[FR Doc. 02–28559 Filed 11–8–02; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2001–8622]

Notice of Public Hearing; Wheeling and Lake Erie Railway Company

The Wheeling & Lake Erie Railway Company has petitioned the Federal Railroad Administration (FRA), seeking approval of the proposed discontinuance and removal of the traffic control system, on the single main track and sidings, between Spencer, Ohio, milepost 92.0 and Bellevue, Ohio, milepost 54.5, on the Hartland Subdivision, a distance of approximately 37.5 miles, and govern train movements by Track Warrant Control. This Block Signal Application proceeding is identified as Docket No. FRA–2001–8622.

The Wheeling & Lake Erie Railway Company has requested that FRA review its October 11, 2001 decision of denial. In a effort to clarify any previous misunderstandings, the FRA has conducted its own additional investigation and the FRA Railroad Safety Board made an on-site visit and high-rail trip over the application area on July 18, 2002. Notes of the visit, observations made during the trip, and additional information submitted by the railroad are contained in the public docket.

After reviewing the original and most recent proposals, the various field investigations, the previous related dockets, and letters of protest, FRA has determined that a public hearing is necessary before a final decision is made on this application.

The purpose of this public hearing is to gather additional information from all interested parties and to explore all available options and concerns before a final decision is made. Parties should be aware that available options may include reaffirmation of the denial, approval, conditional approval, or approval in part and denial in part.

FRA is specifically interested in public comment regarding the following questions: Are there differences in risk exposure at different locations on the railroad? If so, what are they? Are any of the following options in the public interest and consistent with railroad safety?

- Retention or partial retention of the existing traffic control system;
- Conversion or partial conversion of the traffic control system to an automatic block signal system; or
- Use of alternate technologies known to provide some degree of broken rail protection.

Accordingly, a public hearing is hereby set for 9 a.m. on Thursday, December 12, 2002, in the Job and Family Services Building, located at 185 Shady Lane Drive, in Norwalk Ohio. Interested parties are invited to present oral statements at the hearing.

The hearing will be an informal one and will be conducted in accordance with Rule 25 of the FRA Rules of Practice (49 CFR Part 211.25), by a representative designated by the FRA.

The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

Issued in Washington, DC on November 6, 2002.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety, Standards and Program Development.

[FR Doc. 02–28677 Filed 11–8–02; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

November 1, 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 December 12, 2002, to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1466.

Form Number: None.

Type of Review: Revision.

Title: Third-Party Disclosure Requirements in IRS Regulations.

Description: This submission contains third-party disclosure regulations subject to the Paperwork Reduction Act of 1995.

Respondents: Business or other for-profit, Individuals or households, not-for-profit institutions.

Estimated Number of Respondents/Recordkeepers: 245,073,905.

Estimated Burden Hours Per Respondent/Recordkeeper: Various.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 68,885,183 hours.

Clearance Officer: Glenn Kirkland, Internal Revenue Service, Room 6411–03, 1111 Constitution Avenue, NW., Washington, DC 20224, (202) 622–3428.

OMB Reviewer: Joseph F. Lackey, Jr., Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, (202) 395–7316.

Lois K. Holland,

Departmental PRA Clearance Officer.

[FR Doc. 02–28651 Filed 11–8–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 02–66]

Customs Accreditation of Intertek Testing Services as a Commercial Laboratory

AGENCY: Customs Service, Department of the Treasury.

ACTION: Notice of accreditation of Intertek Testing Services of Sulfur, Louisiana, as a commercial laboratory.

SUMMARY: Intertek Testing Services of Sulfur, Louisiana has applied to U.S. Customs under Part 151.12 of the Customs Regulations for an extension of accreditation as a commercial laboratory to analyze petroleum products under Chapter 27 and Chapter 29 of the Harmonized Tariff Schedule of the United States (HTSUS). Customs has determined that this company meets all of the requirements for accreditation as a commercial laboratory. Specifically, Intertek Testing Services has been

granted accreditation to perform the following test methods at their Sulfur, Louisiana site: (1) API Gravity by Hydrometer, ASTM D287; (2) Water and Sediment in Crude Oils by Centrifuge, ASTM D4007; (3) Water in Crude Oil by Distillation, ASTM D4006; (4) Distillation of Petroleum Products, ASTM D86; (5) Salts in Crude Oil (Electrometric Method), ASTM D3230; (6) Sediment in Crude Oils and Fuel Oils by Extraction, ASTM D473; and (7) Percent by Weight of Sulfur by Energy-Dispersive X-Ray Fluorescence, ASTM D4294. Therefore, in accordance with Part 151.12 of the Customs Regulations, Intertek Testing Services of Sulfur, Louisiana is hereby accredited to analyze the products named above.

Location: Intertek Testing Services accredited site is located at: 2717 Maplewood Drive, Sulfur, Louisiana 70663.

EFFECTIVE DATE: November 4, 2002.

FOR FURTHER INFORMATION CONTACT: Arlene Faustermann, Science Officer, Laboratories and Scientific Services, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., Suite 1500 North, Washington, DC 20229, (202) 927–1060.

Dated: November 4, 2002.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 02–28689 Filed 11–8–02; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Notice of Cancellation of Customs Broker License

AGENCY: Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 U.S.C. 1641) and the Customs Regulations (19 CFR 111.51), the following Customs broker license is canceled with prejudice.

Name	License No.	Issuing port
Ronald D. Stribling	03746	Portland, Oregon

Dated: November 4, 2002.

Jayson P. Ahern,

Assistant Commissioner, Office of Field Operations.

[FR Doc. 02–28690 Filed 11–8–02; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Annual User Fee for Customs Broker Permit and National Permit: General Notice

AGENCY: Customs Service, Department of the Treasury.

ACTION: Notice of due date for Customs broker user fee.

SUMMARY: This is to advise Customs brokers that the annual fee of $125 that is assessed for each permit held by a broker whether it may be an individual, partnership, association or corporation, is due by January 21, 2003. This announcement is being published to comply with the Tax Reform Act of 1986.

DATES: Due date for payment of fee: January 21, 2003.

FOR FURTHER INFORMATION CONTACT: Scott J. Nielsen, Broker Management, (202) 927–0380.

SUPPLEMENTARY INFORMATION: Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99–272) established that an annual user fee of $125 is to be assessed for each Customs broker permit and National permit held by an individual, partnership, association or corporation. This fee is set forth in the Customs Regulations in section 111.96 (19 CFR 111.96).

Customs Regulations provide that this fee is payable for each calendar year in each broker district where the broker was issued a permit to do business by the due date which will be published in the **Federal Register** annually. Broker districts are defined in the General Notice published in the **Federal Register**, Volume 60, No, 187, September 27, 1995.

Section 1893 of the Tax Reform Act of 1986 (Pub. L. 99–514) provides that notices of the date on which the payment is due for each broker permit shall be published by the Secretary of the Treasury in the **Federal Register** by no later than 60 days before such due date.

This document notifies brokers that for 2003, the due date of the user fee is January 21, 2003. It is expected that the annual user fees for brokers for subsequent years will be due on or about the twentieth of January of each year.

Dated: November 1, 2002.

Jayson P. Ahern,

Assistant Commissioner, Office of Field Operations.

[FR Doc. 02–28688 Filed 11–8–02; 8:45 am]

BILLING CODE 4820–02–P

Corrections

Federal Register

Vol. 67, No. 218

Tuesday, November 12, 2002

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 223

[Docket No. 010521133–1307–02; I.D. No. 050101B]

Endangered and Threatened Species; Final Rule Governing Take of Four Threatened Evolutionarily Significant Units (ESUs) of West Coast Salmonids

Correction

In rule document 02–440 beginning on page 1116 in the issue of Wednesday, January 9, 2002 make the following correction:

Appendix A to §227.203 [Corrected]

On page 1133, in the third column, in appendix A, after the fourth paragraph, paragraph 3. was duplicated, the fifth paragraph should read ''4. Viable Salmonid Populations and the Recovery of Evolutionarily Significant Units. (June 2000).''.

[FR Doc. C2–440 Filed 11–8–02; 8:45 am]

BILLING CODE 1505–01–D

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7403–8]

Preliminary Administrative Determination Document on the Question of Whether Ferric Ferrocyanide is One of the ''Cyanides'' Within the Meaning of the List of Toxic Pollutants Under the Clean Water Act

Correction

In notice document 02–28006 appearing on page 67183 in the issue of Monday, November 4, 2002 make the following correction:

On page 67183, in the third column, under the heading **DATES**, in the second line, ''December 4, 2002'' should read ''January 3, 2003''.

[FR Doc. C2–28006 Filed 11–8–02; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–71–AD; Amendment 39–12925; AD 2002–22–01]

RIN 2120–AA64

Airworthiness Directives; MORAVAN a.s. Models Z–143L and Z–242L Airplanes

Correction

In rule document 02–27201 beginning on page 66540 in the issue of Friday, November 1, 2002 make the following correction:

§39.13 [Corrected]

On page 66541, in the third column, in §39.13, in the first line, ''2002–22 01'' should read ''2002–22–01''.

[FR Doc. C2–27201 Filed 11–8–02; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Tuesday,
November 12, 2002

Part II

Nuclear Regulatory Commission

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations; Notice

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97–415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from October 18, 2002, through October 31, 2002. The last biweekly notice was published on October 29, 2002 (67 FR 66005).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By December 12, 2002, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license 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. Requests for a hearing and a petition 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 PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a request for a 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 a hearing or an appropriate order.

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 which 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 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 prior to 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 prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the 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

[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 paragraphs (d)(1) and (d)(2) regarding petitions to intervene and contentions. For the complete, corrected text of 10 CFR 2.714(d), please see 67 FR 20884; April 29, 2002.

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 amendment 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, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff, or may be delivered to the Commission's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, 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 20555–0001, 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 the attorney for the licensee.

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 factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC web site, *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 PDR Reference staff at 1–800–397–4209, 304–415–4737 or by e-mail to *pdr@nrc.gov.*

AmerGen Energy Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit 1, Dauphin County, Pennsylvania

Date of amendment request: September 30, 2002.

Description of amendment request: The proposed amendment would revise the technical specification (TS) definition of containment integrity to ensure that all power-operated valves, relief valves, and check valves are included. The proposed changes would provide operability requirements to include the Type III containment isolation valves (CIVs), those valves that are in line with a containment isolation barrier consisting of a closed system within containment (*e.g.*, main steam isolation valves (MSIVs)). The proposed amendment would revise the applicability of CIV operability requirements for those plant conditions when containment integrity applies and the reactor is not critical. The proposed amendment would clarify that the exceptions to containment integrity provided in TS 3.6.1 apply equally to TS 3.6.2, whenever containment integrity is required. The proposed amendment would incorporate provisions for intermittent manual operation of the CIVs under administrative controls. The proposed amendment would also delete TS 4.8, ''Main Steam Isolation Valves,'' along with the reference to TS 4.8 in Table 4.1–2, Item No. 6. This change would delete a monthly requirement for a partial stroke test, but would not affect testing performed in accordance with the American Society for Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), which the licensee states would continue to ensure operability of the MSIVs. The proposed changes would also revise Figure 5–1, ''Extended Plot Plan,'' to correct inaccurate information, and Figure 5–3, ''Gaseous Effluent Release Points and Liquid Effluent Outfall Locations,'' and its accompanying table to reflect the modification which permanently isolated the liquid outfall associated with emergency discharge from Three Mile Island Nuclear Station, Unit 2.

Additional administrative and clerical changes are also included in the proposed TSs to delete obsolete references to TS sections that have been deleted, improve the consistency and clarity of the TSs, and revise the Bases of TS 3.1.6 to delete the setpoint range for emergency core cooling system cubicle leak detection and replace it with a single value.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Operation of the facility in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

Changes to the definition of containment integrity and the additional operability requirements for Containment Isolation Valves (CIVs) provide additional requirements and add clarity to the Technical Specifications. The addition of a provision for permitting intermittent opening of normally closed CIVs or manual control of power-operated CIVs under administrative control is consistent with the Standard Technical Specifications or a similar provision in the current TMI Unit 1 Technical Specifications. This assures that the containment will be isolated if necessary in the event of an accident previously evaluated and offsite dose from an accident will not be significantly increased. The additional operability requirements provide additional conservatism to the technical specifications.

None of the changes included with this License Amendment Request will result in any change to the configuration of plant components, affect any accident initiators associated with any accident previously evaluated or result in a significant increase

in the offsite dose consequences of accidents previously evaluated. The administrative changes are needed to correct errors and the editorial changes will improve the clarity, consistency and readability of the Technical Specifications and do not affect the intent or interpretation.

Therefore, operation of the facility in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Operation of the facility in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The changes associated with this proposed amendment do not result in any additional hardware or design changes to structures, systems, or components (SCCs) of the plant; nor will any of these changes affect the ability of an SSC to perform its design function. No new failure mechanisms, malfunctions, or accident initiators will be introduced that were not considered in the design and licensing basis.

Therefore, operation of the facility in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Operation of the facility in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.

Additional operability requirements provide conservative improvements to the Technical Specifications. The addition of a provision for permitting intermittent opening of normally closed CIVs or manual control of power-operated CIVs under administrative control is consistent with the Standard Technical Specifications or with similar provisions in the current TMI Unit 1 Technical Specifications. This condition assures that the containment will be isolated if necessary in the event of an accident. Changes to the MSIV [main steam isolation valve] test requirements do not alter the Inservice Test requirements in accord[ance with] the American Society of Mechanical Engineers (ASME) [Boiler and Pressure Vessel] Code, which will continue to assure operability. The administrative changes are needed to correct errors and the editorial changes will improve the clarity, consistency, and readability of the Technical Specifications and do not affect the intent or interpretation.

None of the changes included with this request have the potential to significantly reduce a margin of safety. These changes do not affect the design of a plant component or instrument setpoint so as to [a]ffect its design basis or affect the controlling numerical value for any parameter established in the updated final safety analysis report or the license.

Therefore, operation of the facility in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Edward J. Cullen, Jr., Esquire, Vice President, General Counsel and Secretary, Exelon Generation Company, LLC, 300 Exelon Way, Kennett Square, PA 19348.

NRC Section Chief: Richard J. Laufer.

AmerGen Energy Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit 1, Dauphin County, Pennsylvania

Date of amendment request: September 30, 2002.

Description of amendment request: The proposed amendment would revise Technical Specification (TS) Section 6.8.5, ''Reactor Building Leakage Rate Testing Program,'' to allow a one-time deferral of the next Type A, Containment Integrated Leak Rate Test (ILRT) from October 2003 to no later than September 2008.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed Technical Specification change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed revision to Technical Specification Section 6.8.5 (''Reactor Building Leakage Rate Testing Program'') involves a one-time extension to the current interval for Type A containment testing. The current test interval of ten (10) years would be extended on a one-time basis to no longer than fifteen (15) years from the last Type A test (1993). The proposed Technical Specification change does not involve a physical change to the plant or a change in the manner in which the plant is operated or controlled. The reactor containment is designed to provide an essentially leak tight barrier against the uncontrolled release of radioactivity to the environment for postulated accidents. As such, the reactor containment itself and the testing guidelines invoked to periodically demonstrate the integrity of the reactor containment exist to ensure the plant's ability to mitigate the consequences of an accident, and do not involve the prevention or identification of any precursors of an accident. Therefore, the proposed Technical Specification change does not involve a significant increase in the probability of an accident previously evaluated.

The proposed change involves only the extension of the interval between Type A containment leakage tests. Type B and C containment leakage tests will continue to be performed at the frequency currently required by plant Technical Specifications and NEI [Nuclear Energy Institute] 94–01. Industry experience has shown, as documented in NUREG–1493, that Type B and C containment leakage tests have identified a very large percentage of containment leakage paths and that the percentage of containment leakage paths that are detected only by Type A testing is very small. TMI, Unit 1 ILRT test history supports this conclusion. NUREG–1493 concluded, in part, that reducing the frequency of Type A containment leak tests to once per twenty (20) years leads to an imperceptible increase in risk. Therefore, the proposed Technical Specification change does not involve a significant increase in the consequences of an accident previously evaluated.

2. The proposed Technical Specification change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed revision to [the] Technical Specifications involves a one-time extension to the current interval for Type A containment testing. The reactor containment and the testing guidelines invoked to periodically demonstrate the integrity of the reactor containment exist to ensure the plant's ability to mitigate the consequences of an accident and do not involve the prevention or identification of any precursors of an accident. The proposed Technical Specification change does not involve a physical change to the plant or the manner in which the plant is operated or controlled. Therefore, the proposed Technical Specification change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed Technical Specification change does not involve a significant reduction in a margin of safety.

The proposed revision to [the] Technical Specifications involves a one-time extension to the current interval for Type A containment testing. The proposed Technical Specification change does not involve a physical change to the plant or a change in the manner in which the plant is operated or controlled. The specific guidelines and conditions of the Reactor Building Leakage Rate Testing Program, as defined in [the] Technical Specifications, exist to ensure that the degree of reactor building containment structural integrity and leak-tightness that is considered in the plant safety analysis is maintained. The overall containment leakage rate limit specified by [the] Technical Specifications is maintained. The proposed change involves only the extension of the interval between Type A containment leakage tests. Type B and C containment leakage tests will continue to be performed at the frequency currently required by plant Technical Specifications and NEI–94–01.

NUREG–1493 concludes that reducing the Type A Integrated Leak Rate Test (ILRT) testing frequency to one per twenty (20) years was found to lead to imperceptible increase in risk. Additionally, while Type B and C tests identify the vast majority (greater than 85%) of all potential leak paths, performance-based alternatives are feasible without significant risk impacts. Since leakage contributes less than 0.1 percent of

overall risk under existing guidelines, the overall effect is very small. The TMI, Unit 1 plant specific risk analysis supports this conclusion. Therefore, the proposed Technical Specification change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Edward J. Cullen, Jr., Esquire, Vice President, General Counsel and Secretary, Exelon Generation Company, LLC, 300 Exelon Way, Kennett Square, PA 19348.

NRC Section Chief: Richard J. Laufer.

Carolina Power & Light Company, Docket No. 50–324, Brunswick Steam Electric Plant, Unit 2, Brunswick County, North Carolina

Date of amendment request: September 16, 2002.

Description of amendment request: The proposed change revises a license condition, contained in Appendix B of the Technical Specifications, to reflect a modification to support the implementation of an alternative source term (AST) on Unit 2 that would ensure seismic ruggedness of the alternate leakage treatment (ALT) piping and appendages. As a result of further modification development, it has been determined that only one check valve will be installed (*i.e.*, MVD–V5009) by the Unit 2 ALT piping modification. The proposed license amendment revises the affected license condition to require that only MVD–V5009 must be added to the facility check valve program.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises a license condition, added to Appendix B, ''Additional Conditions,'' of the Unit 2 Technical Specifications (TSs) in Amendment 246, which approved the implementation of Alternative Source Term. This license condition currently requires that alternate leakage treatment (ALT) path check valves MVD–V5008 and MDV–V5009 be included in the facility check valve program. Differences between the Unit 1 and Unit 2 main steam line isolation valve drain piping, which will be within the ALT pathway pressure boundary after a loss-of-coolant-accident (LOCA), obviate the need to install check valve MVD–V5008. This is because the Unit 2 steam bypass system was designed for full bypass capability and thus has two steam bypass chests; whereas Unit 1 has only one steam bypass chest. The Unit 2 design includes a drain line from the steam bypass chest, which ties into the same line that on Unit 1 was isolated post-LOCA by use of the 1–MVD–V5008 valve. Since, for Unit 2, the entire line is required to be seismically verified, up to and including the steam bypass chest, there was no benefit in installing the new check valve MVD–V5008 on Unit 2.

CP&L has performed an evaluation of the Unit 2 ALT path modification, in accordance with the provisions of 10 CFR 50.59, and determined that the modification can be implemented without prior NRC approval. As such, the requested amendment merely aligns the wording of the current license condition with the design of the Unit 2 ALT path modification. The original intent of the license condition was to ensure that check valves being installed as a result of the modification would be included in the facility check valve program. This intent is maintained by the proposed license condition. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

As stated above, CP&L has performed an evaluation of the Unit 2 ALT path modification, in accordance with the provisions of 10 CFR 50.59, and determined that the modification can be implemented without prior NRC approval. The requested amendment merely aligns the wording of the current license condition with the design of the Unit 2 ALT path modification. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change revises a license condition, added to Appendix B, Unit 2 TSs in Amendment 246. Therefore, the proposed change does not involve a significant reduction in a margin of safety. This license condition currently requires that ALT path check valves MVD–V5008 and MDV–V5009 be include in the facility check valve program. The proposed revision to affected Unit 2 license condition eliminates reference to a CP&L September 27, 2001, submittal and the requirement to include MVD–V5008 in the facility check valve program. The requested amendment merely aligns the wording of the current license condition with the design of the Unit 2 ALT path modification which has been evaluated, in accordance with the provisions of 10 CFR 50.59, and it has been determined that the modification can be implemented without prior NRC approval. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, CP&L concludes that the proposed amendment presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William D. Johnson, Vice President and Corporate Secretary, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina 27602.

NRC Section Chief: Allen G. Howe.

Dominion Nuclear Connecticut, Inc., Docket No. 50–336, Millstone Power Station, Unit No. 2, New London County, Connecticut

Date of amendment request: September 26, 2002.

Description of amendment request: The proposed amendment would change Technical Specification (TS) 3.3.3.1, ''Monitoring Instrumentation, Radiation Monitoring,'' TS 3.3.4, ''Instrumentation, Containment Purge Valve Isolation Signal,'' TS 3.7.6.1, ''Plant Systems, Control Room Emergency Ventilation System,'' TS 3.9.4, ''Refueling Operations, Containment Penetrations,'' TS 3.9.8.1, ''Refueling Operations, Shutdown Cooling and Coolant Circulation—High Water Level,'' TS 3.9.8.2, ''Refueling Operations, Shutdown Cooling and Coolant Circulation—Low Water Level,'' and TS 3.9.15, ''Refueling Operations, Storage Pool Area Ventilation System.'' In addition, the TS Bases would be revised to address the proposed changes. The basis for the proposed changes is a re-analysis of the limiting design basis Fuel Handling Accident using an Alternative Source Term in accordance with Title 10 of the Code of Federal Regulations (10 CFR) section 50.67 and Regulatory Guide 1.183.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes involve the reanalysis of a Fuel Handling Accident (FHA)

in the Containment, FHA in the Spent Fuel Pool Area, and the Cask Drop Accident in the Spent Fuel Pool Area. The new analyses, based on the Alternative Source Term (AST) in accordance with 10 CFR 50.67, will replace the existing analyses which are based on methodologies and assumptions derived from Regulatory Guide 1.25, Standard Review Plan (SRP) 15.7.4, SRP 15.7.5, and TID–14844. Because different methodologies are used, the new calculated doses are not directly comparable to the current calculated doses. If a consistent basis is used, it is expected that the new analyses assumptions in some cases result in a decrease in dose at the site boundary or to control room personnel and in some cases result in an increase in dose at the site boundary or to control room personnel. However, in all cases the analyses results are within the 10 CFR 50.67 and Regulatory Guide 1.183 acceptance criteria.

As a result of the new analyses, changes to the Technical Specifications are proposed which take credit for the new analyses. The proposed changes to the Technical Specifications modify requirements regarding Containment closure and Spent Fuel Pool area ventilation during movement of irradiated fuel assemblies in Containment and in the Spent Fuel Pool area. The proposed changes will allow Containment penetrations, including the equipment door and personnel airlock door, to be maintained open under administrative control. The proposed changes will eliminate the requirements for automatic closure of Containment purge during Mode 6 fuel movement. The technical specifications associated with storage pool area ventilation will be deleted. These proposed changes do not involve physical modifications to plant equipment and do not change the operational methods or procedures used for the physical movement of irradiated fuel assemblies in Containment or in the Spent Fuel Pool area. As such, the proposed changes have no effect on the probability of the occurrence of any accident previously evaluated.

The revised requirements apply only when irradiated fuel assemblies are being moved in Containment or the Spent Fuel Pool area. Previously evaluated accidents with the plant in other conditions including Modes 1 through Mode 5 are not impacted. The AST methodology is used to evaluate a FHA that is postulated to occur during fuel movement activities in Containment and in the Spent Fuel Pool area. The AST analyses follow the guidance of NRC Regulatory Guide 1.183 and the acceptance criteria of 10 CFR 50.67. The analyses demonstrate that the dose consequences meet the regulatory acceptance criteria.

The FHA Analyses conservatively assume that the Containment building and the fuel storage building, including ventilation filtration systems for those buildings do not diminish or delay the assumed fission product release. The analysis does take credit for, and technical specifications enforce, the presence of 23 feet of water over the irradiated fuel while fuel movement activities are being performed. The analysis also takes credit for, and the technical specification bases enforce a fuel decay time of at least 72 hours. In addition, administrative controls are put in place to provide for closure of Containment atmosphere boundary openings in the event of a FHA. Use of an alternative analysis method does not affect fuel parameters or the equipment used to handle the fuel. The above proposed changes to the Technical Specifications reflect assumptions made in the FHA Analyses. The other changes to the Technical Specifications are also consistent with the revised FHA Analyses. Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendment involves the use of an alternative analysis methodology for the evaluation of the dose consequences from a FHA that is postulated to occur in either the Containment or the Spent Fuel Pool area. The analysis demonstrates that Containment closure conditions and automatic closure of the Containment purge are not required to maintain dose consequence within regulatory limits following a postulated FHA inside Containment. Therefore, the new analysis supports proposed changes to requirements for Containment closure during movement of irradiated fuel assemblies in Containment. The analysis results also demonstrate that operation of the Spent Fuel Pool area ventilation system is not required to maintain dose consequences within regulatory limits following a postulated FHA in the Spent Fuel Pool area. The Containment closure components (*e.g.*, equipment door, personnel airlock doors, and various Containment penetrations) and filtration systems are not accident initiators. The proposed changes do not involve the addition of new systems or components nor do they involve the modification of existing plant systems. The proposed changes do not affect the way in which a FHA is postulated to occur. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Involve a significant reduction in a margin of safety.

The existing dose analysis methodology and assumptions demonstrate that the dose consequences of a FHA are within regulatory limits for whole body and thyroid doses as established in 10 CFR 100. The alternative dose analysis methodology and assumptions also demonstrate that the dose consequences of a FHA are within regulatory limits. The limits applicable to the alternative analysis are established in 10 CFR 50.67 in conjunction with the TEDE (total effective dose equivalent) acceptance criteria directed in Regulatory Guide 1.183. The acceptance criteria for both dose analysis methods have been developed for the purpose of evaluating design basis accidents to demonstrate adequate protection of public health and safety. An acceptable margin of safety is inherent in both types of acceptance criteria. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Senior Nuclear Counsel, Dominion Nuclear Connecticut, Inc., Rope Ferry Road, Waterford, CT 06385.

NRC Section Chief: James W. Andersen (Acting).

Duke Energy Corporation, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Located in Mecklenburg County, North Carolina

Date of amendment request: September 30, 2002.

Description of amendment request: The proposed amendments would revise the Technical Specifications for the plant's reactor building integrity. The proposed amendment would (1) modify the surveillance requirement to be consistent with the design of the reactor building access openings, (2) modify the frequency of the surveillance requirement for visual inspections for the exposed interior and exterior surface of the reactor building, and (3) modify the administrative controls for the containment leakage rate testing program.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

As required by 10 CFR 50.91(a)(1), this analysis is provided to demonstrate that the proposed license amendment does not involve a significant hazard.

Conformance of the proposed amendment to the standards for a determination of no significant hazards, as defined in 10CFR50.92, is shown in the following:

(1) Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The proposed amendment to the Technical Specifications does not result in the alteration of the design, material, or construction standards that were applicable prior to the change. The proposed change will not result in the modification of any system interface that would increase the likelihood of an accident since these events are independent of the proposed change. The proposed amendment will not change, degrade, or prevent actions, or alter any assumptions previously made in evaluating the radiological consequences of an accident described in the [Updated Final Safety Analysis Report] UFSAR. Therefore, the proposed amendment does not result in the

increase in the probability or consequences of an accident previously evaluated.

(2) Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. This change does not create the possibility of a new or different kind of accident from any accident previously evaluated. No new accident causal mechanisms are created as a result of NRC approval of this amendment request. No changes are being made to the facility which should introduce any new accident causal mechanisms. This amendment request does not impact any plant systems that are accident initiators, since the containment and reactor building function primarily as accident mitigators.

(3) Does the proposed change involve a significant reduction in margin of safety?

No. Implementation of this amendment would not involve a significant reduction in the margin of safety. Margin of safety is related to the confidence in the ability of the fission product barriers to perform their design functions during and following an accident situation, including the performance of the containment and reactor building. The ability of the containment and reactor building to perform their design function will not be impaired by the implementation of this amendment at McGuire Nuclear Station. Consequently, no safety margins will be impacted.

Conclusion

Based on the preceding analysis, it is concluded that the proposed license amendment does not involve a Significant Hazards Consideration Finding as defined in 10 CFR 50.92.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Lisa F. Vaughn, Legal Department (PB05E), Duke Energy Corporation, 422 South Church Street, Charlotte, North Carolina 28201–1006.

NRC Section Chief: John A. Nakoski.

Duke Energy Corporation, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, and Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, Located in Mecklenburg County, North Carolina and York County, South Carolina

Date of amendment request: August 29, 2002.

Description of amendment request: The proposed amendments would revise the Technical Specifications (TS) for the plants direct-current (DC) system batteries. The Surveillance Requirements for the current TS for DC sources require a battery service test to be performed each 18 months. A note provides that, on a once per 60 month frequency, the service test requirement may be met by performing a modified performance test. The TS change would remove the once per 60 month restriction, thus allowing the requirement for a service test to be met by a modified performance test that bounds the conditions of the service test. The licensee states that the proposed change will allow the use of a consistent battery testing technique in order to provide consistent data for trending battery performance.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The following discussion is a summary of the evaluation of the change contained in this proposed amendment against the 10 CFR 50.92(c) requirements to demonstrate that all three standards are satisfied. A no significant hazards consideration is indicated if operation of the facility in accordance with the proposed amendment would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated, or

2. Create the possibility of a new or different kind of accident from any accident previously evaluated, or

3. Involve a significant reduction in a margin of safety.

First Standard

Operation of the facilities in accordance with this amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated. The Class 1E DC [direct-current] power system is not an initiator to any accident sequence analyzed in the Updated Final Safety Analysis Report. The safety features of the batteries will continue to function as designed and in accordance with all applicable TS. The design and operation of the system is not being modified by this proposed amendment. This amendment only revise[s] the requirements for testing the batteries. Therefore, there will be no impact on any accident probabilities or consequences.

Second Standard

Operation of the facilities in accordance with this amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated. No new accident causal mechanisms are created as a result of this proposed amendment. No changes are being made to any structure, system, or component which will introduce any new accident causal mechanisms. This amendment request does not impact any plant systems that are accident initiators and does not impact any safety analysis.

Third Standard

Operation of the facilities in accordance with this amendment would not involve a significant reduction in a margin of safety. The change to the battery surveillance will ensure each station's batteries are maintained in a highly reliable manner. The batteries will continue to be tested every 18 months with the modified performance test enveloping the service test. The equipment powered by the batteries will continue to provide adequate power to safety related loads in accordance with analysis assumptions.

Based on the preceding discussion, Duke Energy has concluded that the proposed amendment does not involve a significant hazard consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Lisa F. Vaughn, Legal Department (PB05E), Duke Energy Corporation, 422 South Church Street, Charlotte, North Carolina 28201–1006.

NRC Section Chief: John A. Nakoski.

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of amendment request: September 19, 2002.

Description of amendment request: The proposed amendment would extend the allowable outage time (AOT) for the emergency diesel generators (EDGs) from 72 hours to a maximum of 14 days.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed TS [technical specification] change does not affect the design, operational characteristics, function or reliability of the EDGs. The EDGs are not the initiators of previously evaluated accidents. The EDGs are designed to mitigate the consequences of previously evaluated accidents including a loss of offsite power. Extending the AOT for a single EDG would not affect the previously evaluated accidents since the remaining EDG supporting the redundant Engineered Safety Features (ESF) systems and the AACDG [alternate alternating current diesel generator], which has the capability to support either train of ESF systems, would continue to be available to perform the accident mitigating functions.

The duration of a TS AOT is determined considering that there is a minimal possibility that an accident will occur while a component is removed from service. A risk-informed assessment was performed which concluded that the increase in plant risk is small and consistent with the guidance contained in Regulatory Guide 1.177.

The current TS requirements ensure that redundant systems relying on the remaining EDG are operable. In addition to these requirements, administrative controls will be established to provide assurance that the AOT extension is not applied during adverse weather conditions that could potentially affect offsite power availability. Administrative controls are also implemented to avoid or minimize risk significant plant configurations during the time when an EDG is removed from service.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involved a change in the design, configuration, or method of operation of the plant that could create the possibility of a new or different kind of accident. The proposed change extends the AOT currently allowed by the TS to 14 days. It also provides for a reduction to 72 hours, not to exceed 14 days, should the AACDG become inoperable during the extended AOT.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The ESF systems required to mitigate the consequences of postulated accidents consist of two independent trains. The ESF systems on either of the two trains provide for the minimum safety functions necessary to shut down the unit and maintain it in a safe shutdown condition. Each of the two trains can be powered from one of the offsite power sources of its associated EDG. In addition, the AACDG is available to provide power to either or both of the two trains. This design provides adequate defense in depth to ensure that diverse power sources are available to accomplish the required safety functions. Thus, with one EDG out of service, there are sufficient means to accomplish the safety functions and prevent the release of radioactive material in the event of an accident.

The proposed change does not affect any of the assumptions or inputs to the Final Safety Analyses Report and does not erode the decrease in severe accident risk achieved with the issuance of the Station Blackout (SBO) Rule, 10 CFR 50.63, ''Loss of All Alternating Current Power.''

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: Robert A. Gramm.

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of amendment request: September 19, 2002.

Description of amendment request: The proposed amendment would extend the allowed outage time (AOT) for a single inoperable low pressure safety injection (LPSI) train from 72 hours to 7 days. In addition, an AOT of 72 hours would be included for other conditions where the equivalent of a single emergency core cooling system (ECCS) subsystem flow is still available to both the LPSI and high pressure safety injection (HPSI) trains. Also, if 100% of ECCS flow is unavailable due to two inoperable HPSI or LPSI trains, an action statement would been added to restore at least one of each HPSI and LPSI train to operable status within one hour.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

The HPSI and LPSI trains are part of the ECCS subsystem. Inoperable HPSI or LPSI components are not accident initiators in any accident previously evaluated. Therefore, this change does not involve an increase in the probability of an accident previously evaluated. Both the HPSI and LPSI systems are primarily designed to mitigate the consequences of a Loss of Coolant Accident (LOCA). These proposed changes do not affect any of the assumptions used in the deterministic LOCA analysis. Hence the consequences of accidents previously evaluated do not change.

In order to fully evaluate the LPSI AOT extension, probabilistic safety analysis (PSA) methods were utilized. The results of the analyses show no significant increase in the core damage frequency. As a result, there would be no significant increase in the consequences of an accident previously evaluated. The analyses are detailed in CE NPSD–995, Combustion Engineering Owners Group *Joint Applications Report for Low Pressure Safety Injection System AOT Extension.*

The proposed change allows a combination of equipment from redundant trains to be inoperable provided that at least the equivalent flow of a single HPSI and LPSI train of ECCS remains operable. Analyzed events are assumed to be initiated by the failure of plant structures, systems or components. Allowing equipment from redundant trains to constitute a single operable train does not increase the probability that a failure leading to an analyzed event will occur. The ECCS components are passive until an actuation signal is generated. This change does not increase the failure probability of the ECCS components. As such, the probability of occurrence for a previously analyzed accident is not significantly increased.

Therefore, the proposed change will not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change does not change the design or configuration of the plant. No new equipment is being introduced, and installed equipment is not being operated in a new or different manner. There is no change being made to the parameters within which the plant is operated, and the setpoints at which protective or mitigative actions are initiated are unaffected by this change. No alteration in the procedures, which ensure the plant remains within analyzed limits, is being proposed and no change is being made to the procedures relied upon to respond to an off-normal event. As such, no new failure modes are being introduced. The proposed change will only provide the plant some flexibility in maintaining the minimum equipment required to be Operable to perform the ECCS function while in this Condition. The change does not alter assumptions made in the safety analysis and licensing basis.

Therefore, the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

The CE NPSD–995 and ANO–2 [Arkansas Nuclear One, Unit 2] PSA evaluations demonstrate that the changes are essentially risk neutral or risk beneficial. The margin of safety is established through equipment design, operating parameters, and the setpoints at which automatic actions are initiated. None of these are adversely impacted by the proposed change. Sufficient equipment remains available to actuate upon demand for the purpose of mitigating a transient event. The proposed change, which allows operation to continue for up to 72 hours with components inoperable in both ECCS subsystems, is acceptable based on the remaining ECCS components providing 100% of the required ECCS flow.

Therefore, the proposed change will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: Robert A. Gramm.

Entergy Nuclear Generation Company, Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of amendment request: December 12, 2001, as supplemented on October 10, 2002.

Description of amendment request: The proposed amendment would change the Technical Specification Tables 3.2.A, 3.2.B, 4.2.A, and 4.2.B. The proposed changes affect various instrument trip level settings and decreases the calibration frequencies for a variety of instruments. The proposed changes also involve clarifications to the Reactor Water Cleanup system trip configuration and the titles of certain trip systems. In addition, the proposed changes would make certain editorial and administrative corrections. The proposed setpoint changes and calibration frequencies are based on the licensee's evaluation.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The methodology used to determine the proposed trip level settings and surveillance intervals ensure adequate performance of the affected instrumentation. In addition, the affected instruments are not initiators of any accident previously evaluated. Therefore, the proposed trip level setting and surveillance intervals will not involve a significant increase in the probability of an accident previously evaluated.

The proposed changes to trip level settings and surveillance intervals were establish using methodologies subject to 10 CFR Appendix B Quality Assurance program and ensure existing radiological limits are met. Therefore, the proposed trip level settings and surveillance intervals will not involve a significant increase in the consequences of an accident previously evaluated.

Other changes are editorial or administrative in nature and can not significantly increase the probability or consequences of an accident previously evaluated.

2. Will not create the possibility of a new or different kind of accident from any accident previously evaluated.

No new or different [kind] of accidents or malfunctions than those previously analyzed in Pilgrim's UFSAR [Updated Final Safety Analysis Report] are introduced by this proposed change because there are no new failure modes introduced. Therefore, the proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Will not involve a significant reduction in the margin of safety.

The proposed changes to trip level settings and surveillance intervals were established using approved methodologies subject to a 10 CFR, Appendix B, Quality Assurance program and existing radiological limits are met. These changes do not impact Pilgrim's configuration or operation.

Editorial and administrative type changes do not impact the operation or configuration of Pilgrim. For the above reasons the proposed change does not result in a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: J. M. Fulton, Esquire, Assistant General Counsel, Pilgrim Nuclear Power Station, 600 Rocky Hill Road, Plymouth, Massachusetts, 02360–5599.

NRC Section Chief: James W. Andersen, Acting.

Entergy Nuclear Operations, Inc., Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of amendment request: July 5, 2002.

Description of amendment request: The proposed amendment would relocate the ''Primary System Boundary—Shock Suppressors (Snubbers),'' Technical Specifications (TS) 3/4.6.I, from the TS to the Updated Final Safety Analysis Report (UFSAR).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No. The proposed change is administrative in nature and does not involve the modification of any plant equipment or affect basic plant operation. Snubbers are not assumed to be an initiator of any analyzed event, nor are they assumed in the mitigation of consequences of accidents. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated[.]

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No. The proposed change does not involve any physical alteration of plant equipment and does not change the method by which any safety-related system performs its function. As such, no new or different types of equipment will be installed, and the basic operation of installed equipment is unchanged. The methods governing plant operation and testing remain consistent with current safety analysis assumptions. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No. The proposed change is administrative in nature, does not negate any existing requirement, and does not adversely affect existing plant safety margins or the reliability of the equipment assumed to operate in the safety analysis. As such, there are no changes being made to safety analysis assumptions, safety limits or safety system settings that would adversely affect plant safety as a result of the proposed change. Margins of safety are unaffected by requirements that are retained, but relocated from the Technical Specifications to the UFSAR. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: J. M. Fulton, Esquire, Assistant General Counsel, Pilgrim Nuclear Power Station, 600 Rocky Hill Road, Plymouth, Massachusetts 02360–5599.

NRC Section Chief: James W. Andersen, Acting.

Entergy Nuclear Operations, Inc., Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of amendment request: August 16, 2002.

Description of amendment request: The proposed amendment would relocate certain Control Rod Block functions from Technical Specifications 3/4.2.C, ''Instrumentation that Initiates Rod Blocks,'' to the Updated Final Safety Analysis Report.

Basis for proposed no significant hazards consideration determination:

As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change is administrative in nature and does not involve the modification of any plant equipment or affect basic plant operation. These control rod blocks are not assumed to be an initiator of any analyzed event, nor are they assumed in the mitigation of consequences of accidents. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve any physical alteration of plant equipment and does not change the method by which any safety-related system performs its function. As such, no new or different types of equipment will be installed, and the basic operation of installed equipment is unchanged. The methods governing plant operation and testing remain consistent with current safety analysis assumptions. Therefore, the proposed change does not create the possibility of a new or different kind of accident form any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change is administrative in nature, does not negate any existing requirement, and does not adversely affect existing plant safety margins or the reliability of the equipment assumed to operate in the safety analysis. As such, there are no changes being made to safety analysis assumptions, safety limits or safety system settings that would adversely affect plant safety as a result of the proposed change. Margins of safety are unaffected by requirements that are retained, but relocated from the Technical Specifications to the FSAR [Final Safety Analysis Report]. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: J. M. Fulton, Esquire, Assistant General Counsel, Pilgrim Nuclear Power Station, 600 Rocky Hill Road, Plymouth, Massachusetts 02360–5599.

NRC Section Chief: James W. Andersen, Acting.

Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc., Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: October 4, 2002.

Description of amendment request: Change the Technical Specifications by extending the primary containment integrated leak rate testing (ILRT) interval on a one-time basis from 10 years to no longer than approximately 10.6 years.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed revision to Technical Specifications 6.7.C ''Primary Containment Leak Rate Testing Program'' involves a one-time extension to the current interval for Type A containment testing. The current test interval of 10 years would be extended on a one-time basis to no longer than approximately 10.6 years from the last Type A test. The proposed Technical Specification change does not involve a physical change to the plant or a change in the manner in which the plant is operated or controlled. The reactor containment is designed to provide an essentially leak tight barrier against the uncontrolled release of radioactivity to the environment for postulated accidents. As such, the reactor containment itself and the testing requirements invoked to periodically demonstrate the integrity of the reactor containment exist to ensure the plant's ability to mitigate the consequences of an accident, and do not involve the prevention or identification of any precursors of anaccident. Therefore, the proposed Technical Specification change does not involve a significant increase in the probability of an accident previously evaluated.

The proposed change involves only the extension of the interval between Type A containment leak rate tests. Type B and C containment leak rate tests will continue to be performed at the frequency currently required by plant Technical Specifications. Industry experience has shown, as documented in NUREG[–]1493, that Type B and C containment leakage tests have identified a very large percentage of containment leakage paths and that the percentage of containment leakage paths that are detected only by Type A testing is very small. VY's [Vermont Yankee] ILRT test history supports this conclusion. NUREG–1493 concluded, in part, that reducing the frequency of Type A containment leak tests to once per twenty (20) years leads to an imperceptible increase in risk. The integrity of the reactor containment is subject to two types of failure mechanisms which can be categorized as (1) activity based and (2) time based. Activity based failure mechanisms are defined as degradation due to system and/or component modifications or maintenance. Local leak rate test requirements and administrative controls such as design change control and procedural requirements for system restoration ensure that containment integrity is not degraded by plant modifications or maintenance activities. The design and construction requirements of the reactor containment itself combined with the containment inspections performed in accordance with ASME [American Society of Mechanical Engineers] Section XI, the Maintenance Rule and Licensing commitments related to containment coatings serve to provide a high degree of assurance that the containment will not degrade in a manner that is detectable only by Type A testing. Therefore, the proposed Technical Specification change does not involve a significant increase in the consequences of an accident previously evaluated.

2. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed revision to the Technical Specifications involves a one-time extension to the current interval for Type A containment testing. The reactor containment and the testing requirements invoked to periodically demonstrate the integrity of the reactor containment exist to ensure the plant's ability to mitigate the consequences of an accident and do not involve the prevention or identification of any precursors of an accident. The proposed Technical Specification change does not involve a physical change to the plant or the manner in which the plant is operated or controlled. Therefore, the proposed Technical Specification change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.

The proposed revision to Technical Specifications involves a one-time extension to the current interval for Type A containment testing. The proposed Technical Specification change does not involve a physical change to the plant or a change in the manner in which the plant is operated or controlled. The specific requirements and conditions of the Primary Containment Leak Rate Testing Program, as defined in Technical Specifications, exist to ensure that the degree of reactor containment structural integrity and leak-tightness that is considered in the plant safety analysis is maintained. The overall containment leak rate limit specified by Technical Specifications is maintained. The proposed change involves only the extension of the interval between Type A containment leak rate tests. The proposed surveillance interval extension is

bounded by the 15 month extension currently authorized within NEI [Nuclear Energy Institute] 94–01. Type B and C containment leak rate tests will continue to be performed at the frequency currently required by plant Technical Specifications. VY's, as well as the industries experience, strongly supports the conclusion that Type B and C testing detects a large percentage of containment leakage paths and that the percentage of containment leakage paths that are detected only by Type A testing is small. The containment inspections performed in accordance with ASME Section XI, the Maintenance Rule and the Coatings Program serve to provide a high degree of assurance that the containment will not degrade in a manner that is detectable only by Type A testing. Additionally, the on-line containment monitoring capability that is inherent to inerted BWR [Boiling Water Reactor] containments allows for the detection of gross containment leakage that may develop during power operation. The combination of these factors ensures that the margin of safety that is inherent in plant safety analysis is maintained. Therefore, the proposed Technical Specification change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. David R. Lewis, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037–1128.

NRC Section Chief: James W. Andersen, Acting.

Exelon Generation Company, LLC, Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois

Date of amendment request: August 16, 2002.

Description of amendment request: The proposed amendments would modify the Unit 3 allowable value, and the Units 2 and 3 surveillance requirements for the reactor protection system scram discharge volume water level-high function.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed TS changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

Dresden Nuclear Power Station (DNPS), Unit 3 plans to implement a design change that upgrades the Scram Discharge Volume Water Level—High instrumentation from existing float-type level switches to electronic analog trip units. Analog trip units are a proven technology that is more reliable than existing equipment. The proposed design is consistent with a generic design that has been previously reviewed and approved by the NRC. Analog trip units are used in various applications at DNPS, including the Reactor Protection System (RPS) Low Water Level Trip Function.

The proposed Technical Specifications (TS) changes add new Unit 3 Channel Check and trip unit calibration Surveillance Requirements (SRs) for the new analog trip units associated with the Scram Discharge Volume Water Level—High RPS Trip Function. These new Unit 3 SRs are not applicable to the existing instrumentation because the existing float-type level switches are non-indicating and do not employ trip units. In addition, the proposed TS changes add a new trip unit calibration SR for existing Unit 2 and 3 instrumentation that is composed of differential pressure type level transmitter switches.

TS requirements that govern operability or routine testing of plant instruments are not assumed to be initiators of any analyzed event because these instruments are intended to prevent, detect, or mitigate accidents. Therefore, these proposed changes will not involve an increase in the probability of an accident previously evaluated. Additionally, these proposed changes will not increase the consequences of an accident previously evaluated because the proposed changes do not adversely impact structures, systems, or components. The planned Unit 3 instrument upgrade is a more reliable design than existing equipment. The proposed changes establish requirements that ensure components are operable when necessary for the prevention or mitigation of accidents or transients. Furthermore, there will be no change in the types or significant increase in the amounts of any effluents released offsite.

In summary, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed TS changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes support a planned instrument upgrade on Unit 3 by incorporating SRs required to ensure operability. There is no change being made to the parameters within which DNPS is operated. The proposed changes do not adversely impact the manner in which the Scram Discharge Volume Water Level—High RPS instrumentation will operate under normal and abnormal operating conditions. The proposed changes will not alter the function demands on credited equipment. No alteration in the procedures, which ensure DNPS remains within analyzed limits, is proposed, and no change is being made to procedures relied upon to respond to an off-normal event. Therefore, these proposed changes provide an equivalent level of safety and will not create the possibility of a new or different kind of accident from any accident previously evaluated. The changes in methods governing normal plant operation are consistent with the current safety analysis assumptions. Therefore, these proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed TS changes do not involve a significant reduction in a margin of safety.

Margins of safety are established in the design of components, the configuration of components to meet certain performance parameters, and in the establishment of setpoints to initiate alarms and actions. The proposed changes support a planned instrumentation upgrade to enhance the reliability of RPS instrumentation. The proposed changes do not affect the probability of failure or availability of the affected instrumentation. The revised Allowable Value, addition of a Channel Check and trip unit calibration, and revision of other SRs for RPS Instrumentation Channel Check and trip unit calibration, and revision of other SRs for RPS Instrumentation Function 7 (Scram Discharge Volume Water Level—High) are conservative changes that align the SRs for proper determination of operability with that of similar instrumentation. Therefore, it is concluded that the proposed changes do not result in a reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Mr. Edward J. Cullen, Deputy General Counsel, Exelon BSC—Legal, 2301 Market Street, Philadelphia, PA 19101.

NRC Section Chief: Anthony J. Mendiola.

Florida Power and Light Company, Docket No. 50–389, St. Lucie Plant, Unit No. 2, St. Lucie County, Florida

Date of amendment request: October 15, 2002.

Description of amendment request: The proposed amendment modifies the reactor coolant system flow rate from 363,000 gallons per minute (gpm) to 355,000 gpm in Saint Lucie Unit 2 Technical Specifications (TS) Table 3.3–2 and a footnote for Table 2.2–1.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment would decrease the value of design reactor coolant system flow rate. This reduction in the reactor

coolant system (RCS) flow requirement will support operation of the plant with an increased steam generator (SG) tube plugging. The changes to the Technical Specification (TS) bases either support the proposed flow reduction or are administrative in nature, consistent with the current design basis. The parameters affected by the proposed changes are not accident initiators and do not affect the frequency of occurrence of previously analyzed transients. Additionally, there are no changes to any active plant component.

This evaluation has demonstrated acceptable results for all the accidents previously analyzed. It is concluded that the radiological consequences would remain within their established acceptance criteria when including effects of the proposed reduction in the RCS flow, which would support an increased steam generator tube plugging level.

Therefore, operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any previously evaluated.

This proposed amendment revises the RCS design flow requirement to cover plant operation with increased steam generator tube plugging. There are no physical changes to the plant systems or system interactions due to the proposed changes. The modes of operation of the plant and the design functions of all the safety systems remain unchanged.

Therefore, operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

The impact of the proposed changes on the design basis accident analysis was evaluated and it is concluded that the setpoint and safety analyses of all design basis accidents meet the applicable acceptance criteria with respect to the radiological consequences, specified acceptable fuel design limits (SAFDL), primary and secondary overpressurization, peak containment pressure and temperature, and 10 CFR 50.46 requirements.

Therefore, operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M.S. Ross, Attorney, Florida Power & Light, P.O. Box 14000, Juno Beach, Florida 33408–0420.

NRC Section Chief: Allen G. Howe.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant, Units 3 and 4, Miami-Dade County, Florida

Date of amendment request: October 21, 2002.

Description of amendment request: The proposed amendment deletes the requirements defined in Technical Specification (TS) 3/4.9.3, ''Refueling Operations, Decay Time,'' and places them in the TS Bases. Additionally this amendment proposes to modify the TS Bases definition of ''recently irradiated fuel'' will be re-defined as fuel that has occupied part of a critical reactor core within the previous 72 hours.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The accident of concern related to the proposed change is the fuel handling accident (FHA). This accident assumes a dropped fuel assembly. One of the assumptions made in the analysis is that fuel movement is delayed for some time period after shutdown to accommodate cooldown of the reactor coolant system and disassembly of the reactor pressure vessel. This delay period allows for radioactive decay of the in-reactor vessel fission product inventory. Reducing the analyzed decay time from 100 hours to 72 hours does not increase the probability of a FHA because the timing of fuel movement in the reactor pressure vessel does not alter the manner in which fuel assemblies are handled.

Reducing the analyzed decay time from 100 hours to 72 hours does increase the offsite dose and control room dose projections of a FHA above those previously reviewed and approved by the NRC for Turkey Point Units 3 and 4 per Amendments 216 and 210. However, it has been shown by reanalysis of such an accident involving irradiated fuel with at least 72 hours of decay that the projected doses remain well within applicable regulatory limits. Hence, the proposed change in timing of fuel movement in the reactor pressure vessel does not involve a significant increase in the consequences of a FHA.

Additionally, the manner in which the minimum in-reactor vessel decay time is controlled will not impact the probability of occurrence, or the consequences of a FHA. Relocating the decay time requirement from the TS to the TS Bases document and other administrative controls will continue to ensure that this key accident analysis assumption is upheld. The inherent delay associated with completing the required preparatory steps for moving fuel in the reactor vessel further ensures that the proposed 72-hour decay time will be met for a refueling outage.

Therefore, operation of the facility in accordance with the proposed amendments would not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The impact of the proposed change is limited to fuel handling operations and spent fuel pool cooling. No physical plant changes are proposed to accommodate the timing change for fuel movement. Hence, no new failure modes are created that would cause a new or different kind of accident from any accident previously evaluated. The supporting analysis for the timing change demonstrates that the associated increase in decay heat load will not cause any spent fuel pool (SFP) component or structure to operate outside design limits. Adequate margins to safety are maintained with respect to SFP water temperature and structural loading.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Additionally, the manner which the minimum in-reactor vessel decay time is controlled will not impact the operation of any structure, system, or component.

Therefore, operation of the facility in accordance with the proposed amendments would not create the possibility of a new or different kind of accident from any previously evaluated.

3. Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

No. The proposed change in plant operation does not significantly reduce the margin of safety. It has been shown by reanalysis of a FHA involving irradiated fuel with at least 72 hours of decay that the projected doses will be well within applicable regulatory limits. Additionally, it has been shown by thermal hydraulic analysis that operation of the SFP cooling system in accordance with the restrictions and limitations identified in the amendments application will maintain adequate margins to pool boiling. Analysis of transient SFP concrete temperatures similarly demonstrates that the integrity of the pool structure will not be compromised if the amount of in-reactor vessel fuel assembly decay time is reduced from 100 hours to 72 hours.

The proposed change in the manner in which the minimum in-reactor vessel decay time will be controlled will not impact plant safety. Relocating the decay time requirement from the TS to the TS Bases document and other administrative controls will continue to ensure that this key accident analysis

assumption is upheld. The inherent delay associated with completing the required preparatory steps for moving fuel in the reactor vessel further ensures that the proposed 72-hour decay time will be met for a refueling outage.

Therefore, operation of the facility in accordance with the proposed amendments does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M.S. Ross, Attorney, Florida Power & Light, P.O. Box 14000, Juno Beach, Florida 33408–0420.

NRC Section Chief: Allen G. Howe.

Indiana Michigan Power Company, Docket No. 50–316, Donald C. Cook Nuclear Plant, Unit 2, Berrien County, Michigan

Date of amendment request: October 16, 2002.

Description of amendment request: The proposed amendment would revise Technical Specification Table 3.3–4, ''Engineered Safety Feature Actuation System Instrumentation Trip Setpoints.'' The proposed changes are part of a planned design change to replace the existing 4160 volt (4kV) offsite power transformers, loss-of-voltage relays, and degraded voltage relays with components of an improved design to increase the reliability of offsite power for safety-related equipment.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability of occurrence or consequences of an accident previously evaluated?

Response: No.

Probability of Occurrence of an Accident Previously Evaluated

The proposed changes to the degraded voltage and loss-of-voltage setpoints and time delay affect when an emergency bus that is experiencing low or degraded voltage will trip from offsite power and shift to an emergency diesel generator. While the setpoints that initiate this action will be modified, the function remains the same. The setpoints have been analyzed to ensure spurious trips will be avoided. The proposed changes will not significantly affect any accident initiators or precursors. The format changes are intended to improve readability, consistency with NUREG–1431, Revision 2, and appearance. In addition, they do not alter any requirements. The bases change provides explanatory information only. Thus, the probability of occurrence of an accident previously evaluated is not significantly increased.

Consequences of an Accident Previously Evaluated

The proposed changes to the degraded voltage and loss-of-voltage setpoints and time delay affect when an emergency bus that is experiencing low or degraded voltage will trip from offsite power and shift to an emergency diesel generator. While the setpoints that initiate this action will be modified, they are bounded by the current safety analysis. The function of the plant equipment remains the same. The proposed changes improve the reliability of safety-related equipment to operate as designed. The format changes are intended to improve readability, consistency with NUREG–1431, Revision 2, and appearance. In addition, they do not alter any requirements. The bases change provides explanatory information only. Thus, the consequences of an accident previously analyzed are not significantly increased.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes to the degraded voltage and loss-of-voltage setpoints and time delay do not affect existing or introduce any new accident precursors or modes of operation. The relays will continue to detect undervoltage conditions and transfer safety loads to the emergency diesel generators at a voltage level adequate to ensure proper safety equipment performance and to prevent equipment damage. The function of the relays remains the same. The format changes are intended to improve readability, consistency with NUREG–1431, Revision 2, and appearance. In addition, they do not alter any requirements. The bases change provides explanatory information only. Thus, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed changes will allow all safety-related loads to have sufficient voltage to perform their intended safety function while ensuring spurious trips are avoided. Thus, the results of the accident analyses will not be affected as the input assumptions are protected. The format changes are intended to improve readability, consistency with NUREG–1431, Revision 2, and appearance. In addition, they do not alter any requirements. The bases change provides explanatory information only. Thus, the proposed changes do not involve a significant reduction in a margin of safety.

In summary, based upon the above evaluation, [Indiana Michigan Power Company] I&M has concluded that the proposed changes involve no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and accordingly, a finding of ''no significant hazards consideration'' is justified.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: David W. Jenkins, Esq., 500 Circle Drive, Buchanan, MI 49107.

NRC Section Chief: L. Raghavan.

Nine Mile Point Nuclear Station, LLC, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit 1, Oswego County, New York

Date of amendment request: October 7, 2002.

Description of amendment request: The proposed amendment would add Specification 4.0.3 to address missed surveillances. This new specification specifies an initial 24-hour delay period for performing a missed surveillance prescribed by Specification 3.0.3. Specification 4.0.3 will also require: ''A risk evaluation shall be performed for any surveillance delayed greater than 24 hours and the risk impact shall be managed.'' In addition, the licensee proposed to add wording to each of the following existing specifications such that the new Specification 4.0.3 would apply to them: Specification 6.16, 6.17, 6.18, and 6.19.

The NRC staff issued a notice of opportunity for comment in the **Federal Register** on June 14, 2001 (66 FR 32400), on possible amendments concerning missed surveillances, including a model safety evaluation and model no significant hazards consideration (NSHC) determination, using the consolidated line item improvement process. The NRC staff subsequently issued a notice of availability of the models for referencing in license amendment applications in the **Federal Register** on September 28, 2001 (66 FR 49714).

The licensee affirmed the applicability of the following NSHC determination in its application dated October 7, 2002. The NSHC determination is restated below.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of NSHC is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change relaxes the time allowed to perform a missed surveillance. The time between surveillances is not an initiator of any accident previously evaluated. Consequently, the probability of an accident previously evaluated is not significantly increased. The equipment being tested is still required to be operable and capable of performing the accident mitigation functions assumed in the accident analysis. As a result, the consequences of any accident previously evaluated are not significantly affected. Any reduction in confidence that a standby system might fail to perform its safety function due to a missed surveillance is small and would not, in the absence of other unrelated failures, lead to an increase in consequences beyond those estimated by existing analyses. The addition of a requirement to assess and manage the risk introduced by the missed surveillance will further minimize possible concerns. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. A missed surveillance will not, in and of itself, introduce new failure modes or effects and any increased chance that a standby system might fail to perform its safety function due to a missed surveillance would not, in the absence of other unrelated failures, lead to an accident beyond those previously evaluated. The addition of a requirement to assess and manage the risk introduced by the missed surveillance will further minimize possible concerns. Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in [a] Margin of Safety

The extended time allowed to perform a missed surveillance does not result in a significant reduction in [a] margin of safety. As supported by the historical data, the likely outcome of any surveillance is verification that the LCO [Limiting Condition for Operation] is met. Failure to perform a surveillance within the prescribed frequency does not cause equipment to become inoperable. The only effect of the additional time allowed to perform a missed surveillance on [a] margin of safety is the extension of the time until inoperable equipment is discovered to be inoperable by the missed surveillance. However, given the rare occurrence of inoperable equipment, and the rare occurrence of a missed surveillance, a missed surveillance on inoperable equipment would be very unlikely. This must be balanced against the real risk of manipulating the plant equipment or condition to perform the missed surveillance. In addition, parallel trains and alternate equipment are typically available to perform the safety function of the equipment not tested. Thus, there is confidence that the equipment can perform its assumed safety function.

Therefore, this change does not involve a significant reduction in a margin of safety.

Based upon the reasoning presented above and the previous discussion of the amendment request, the requested change does not involve a significant hazards consideration.

The NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mark J. Wetterhahn, Esquire, Winston & Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: Richard J. Laufer.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: October 8, 2002.

Description of amendment request: The proposed amendment will change the Limiting Condition for Operation (LCO) 2.3(2).a, ''Emergency Core Cooling Systems,'' for the allowed outage time (AOT) for a single train of the low pressure safety injection system. The proposed change is based on the Combustion Engineering Owners Group Topical Report CE NPSD–995, ''Joint Applications Report for Low Pressure Safety Injection System AOT Extension.'' This amendment will permit the licensee to extend the AOT for a single low pressure safety injection (LPSI) train from the existing 24 hours to 7 days.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The allowed outage time is not an initiator of any previously evaluated accident. The proposed change to the allowed outage time for a single LPSI train will not prevent the safety systems from performing their accident mitigation function as assumed in the safety analysis.

Therefore, this change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change only affects the technical specifications and does not involve a physical change to the plant. Modifications will not be made to existing components nor will any new or different types of equipment be installed. The proposed change modifies the allowed outage time for a single LPSI train from 24 hours to 7 days for the purpose of performing preventive or corrective maintenance, or surveillance testing. Actions will be taken to ensure the increase in LPSI allowed outage time is incorporated appropriately into plant procedures.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed change modifies the allowed outage time for a single LPSI train to permit necessary ECCS [emergency core cooling system] maintenance or testing to be performed in a measured, deliberate fashion. Results of an integrated assessment of the overall plant risk associated with the adoption of the proposed AOT extension show a negligible increase in plant risk. The increase in allowed outage time will also permit more efficient and more safely managed plant operations and can help reduce the risk associated with changing plant operating modes.

An evaluation of the impact of extending the AOT for a single LPSI train on plant risk was performed for the conditions of the plant being at power. While at power, the incremental conditional core damage frequency (ICCDF) was determined to be 1.396E–05 per year, with a 5.80E–07 per year incremental increase in the core damage frequency attributed to extending the allowed outage time from 24 hours to seven days.

A sensitivity analysis was performed to identify the impact on core damage probability over a seven day interval that results from performing maintenance on one LPSI train while in a shutdown mode. Results of this study show that even small improvements in LPSI train reliability will produce a decrease in core damage probability, thus the net impact of performing LPSI train preventive maintenance while at power is risk-beneficial.

The unavailability of one LPSI train resulted in a large early release frequency of 2.636E–06 per year, with a 2.40E–08 per year incremental conditional large early release frequency (ICLERF) attributed to extending the allowed outage time from 24 hours to seven days.

Therefore, this technical specification change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: James R. Curtiss, Esq., Winston & Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: Stephen Dembek.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: October 8, 2002.

Description of amendment request: The proposed amendment would relocate the requirements of Technical Specification (TS) 2.13, ''Nuclear Detector Cooling System,'' to the Fort Calhoun Station Updated Safety Analysis Report (USAR). The accident analyses do not assume operation of the nuclear detector cooling system; therefore, this system does not meet the criteria set forth in 10 CFR 50.36(c)(2)(ii) for inclusion in the TS. The requirements will be relocated to the USAR.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change relocates requirements for Nuclear Detector Cooling that do not meet the criteria for inclusion in the TS set forth in 10 CFR 50.36(c)(2)(ii). The requirements for Nuclear Detector Cooling are being relocated from TS to the USAR, which will be maintained pursuant to 10 CFR 50.59, thereby reducing the level of regulatory control. The level of regulatory control has no impact on the probability or consequences of an accident previously evaluated. Therefore, the change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change relocates requirements for Nuclear Detector Cooling that do not meet the criteria for inclusion in TS set forth in 10 CFR 50.36(c)(2)(ii). The change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or make changes in the methods governing normal plant operation. The change will not impose different requirements, and adequate control of information will be maintained. This change will not alter assumptions made in the safety analysis and licensing basis. Therefore, the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed change relocates requirements for Nuclear Detector Cooling that do not meet the criteria for inclusion in TS set forth in 10 CFR 50.36(c)(2)(ii). The change will not reduce a margin of safety since the location of a requirement has no impact on any safety analysis assumptions. In addition, the relocated requirements for Nuclear Detector Cooling remain the same as the existing TS. Since any future changes to these requirements or the surveillance procedures will be evaluated per the requirements of 10 CFR 50.59, there will be no reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: James R. Curtiss, Esq., Winston & Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: Stephen Dembek.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: October 8, 2002.

Description of amendment request: The proposed amendment would increase the amount of diesel fuel oil required by Technical Specification (TS) 2.7, ''Electrical Systems,'' to be kept in the auxiliary boiler fuel oil storage tank. A recent calculation determined that the amount of diesel fuel oil required by TS 2.7 is slightly insufficient (35 gallon shortfall) for 7 days of emergency diesel generator (EDG) operation.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

No changes to the EDG diesel fuel oil storage and distribution system configuration or usage is required to achieve the inventory increase. This change only increases the current minimum inventory requirements listed in TS 2.7 and assures that the inventory will meet the capacity requirements of IEEE–308, which requires sufficient fuel for 7 days of EDG operation following the most severe accident. Increasing the minimum inventory requirement of FO–10, the auxiliary boiler fuel oil tank by 2000 gallons enables the site to meet this criterion and provides an extra margin of inventory to prevent any future concerns.

Therefore, this change does not involve an increase in the probability or consequences of any accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

No changes to the Emergency Diesel Generator fuel oil storage and distribution system configuration or usage are required to achieve the inventory increase. FO–10 has a capacity of 18,000 gallons. Therefore, FO–10 can readily accommodate the additional 2000 gallons of inventory. Therefore, the proposed changes will not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed change will increase the margin of safety by requiring that additional diesel fuel oil inventory be kept on-site to ensure that the 7 day on-site fuel supply criteria is met.

Therefore, this technical specification change does not involve a reduction in the margins of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: James R. Curtiss, Esq., Winston & Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: Stephen Dembek.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: October 8, 2002.

Description of amendment request: The proposed amendment will relocate the requirements of Technical Specification (TS) 3.5(5), ''Surveillance for Prestressing System,'' for testing prestressed concrete containment tendons to the Fort Calhoun Station (FCS) Updated Safety Analysis Report (USAR). This proposed amendment will also add a TS requirement (TS 5.21) for a containment tendon testing program consistent with that presented in Section 5.5 of NUREG–1432, ''Improved Standard Technical Specification (ITS) for Combustion Engineering Plants.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or

consequences of an accident previously evaluated.

The proposed change relocates requirements for testing Prestressed Concrete Containment Tendons that do not meet the criteria for inclusion in the TS set forth in 10 CFR 50.36(c)(2)(ii). The requirements for testing Prestressed Concrete Containment Tendons are being relocated from TS to the USAR, which will be maintained pursuant to 10 CFR 50.59, thereby reducing the level of regulatory control. The level of regulatory control has no impact on the probability or consequences of an accident previously evaluated. Therefore, the change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change relocates requirements for testing Prestressed Concrete Containment Tendons that do not meet the criteria for inclusion in TS set forth in 10 CFR 50.36(c)(2)(ii). The change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or make changes in the methods governing normal plant operation. The change will not impose different requirements, and adequate control of information will be maintained. This change will not alter assumptions made in the safety analysis and licensing basis. Therefore, the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed change relocates requirements for testing Prestressed Concrete Containment Tendons that do not meet the criteria for inclusion in TS set forth in 10 CFR 50.36(c)(2)(ii). The change will not reduce a margin of safety since the location of a requirement has no impact on any safety analysis assumptions. In addition, the relocated requirements for testing Prestressed Concrete Containment Tendons remain the same as the existing TS. Since any future changes to these requirements or the surveillance procedures will be evaluated per the requirements of 10 CFR 50.59, there will be no reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: James R. Curtiss, Esq., Winston & Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: Stephen Dembek.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: October 8, 2002.

Description of amendment request: The proposed amendment will change Technical Specification 5.19, ''Containment Leakage Rate Testing Program,'' to extend the integrated leak rate test (ILRT) surveillance interval from 10 to 15 years. The proposed changes are justified based on a combination of risk-informed analysis and assessment of the containment structural condition utilizing ILRT historical results and containment inspection programs.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed change adds a one-time extension to the current surveillance interval for Type A testing (ILRT). The current test interval of 10 years, based on performance history, would be extended on a one-time basis to 15 years from the last Type A test. The proposed extension to Type A testing cannot increase the probability of an accident previously evaluated since the containment Type A test is not a modification, nor a change in the way that plant systems, structures, or components are operated, and is not an activity that could lead to equipment failure or accident initiation. The proposed change does not involve a significant increase in the consequences of an accident since research in Reference 10.3 [NUREG–1493, Performance Based Containment Leak-Test Program] has found that generically very few potential leaks are not identified in Type B and C tests. Reference 10.3 concluded that an increase in the test interval to 20 years resulted in an imperceptible increase in risk. FCS provides a high degree of assurance through testing and inspection that the containment will not degrade in a manner only detectable by Type A testing. Inspections required by ASME code and the Maintenance Rule are performed in order to identify indications of containment degradation that could affect leak tightness. Type B and C testing required by 10 CFR 50, Appendix J are not affected by this proposed extension to the Type A test interval and will continue to identify containment penetration leakage paths that would otherwise require a Type A test.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change adds a one-time extension to the current surveillance interval [* * *] for Type A testing (ILRT). The change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or make changes in the methods governing normal plant operation. This change will not alter assumptions made in the safety analysis and licensing basis. Therefore, the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed change will not result in operation of the facility involving a significant reduction in a margin of safety. The proposed change adds a one-time extension to the current interval for Type A testing. The current test interval of 10 years, based on performance history, would be extended on a one-time basis to 15 years from the last Type A test. Reference 10.3 has found that generically very few potential leaks are not identified in Type B and C tests. Reference 10.3 concluded that an increase in the test interval to 20 years resulted in an imperceptible increase in risk. Furthermore, the extended test interval would have a minimal effect on such risk since Type B and C testing detect over 95 percent of potential leakage paths. A plant specific risk calculation, as part of Reference 10.2, [WCAP–15691, Joint Applications Report for Containment Integrated Leak Rate Test Interval Extension, Revision 3, August 2002] on this topic obtained results consistent with the generic conclusions of Reference 10.3. The overall increase in risk contribution was determined as 0.31%.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: James R. Curtiss, Esq., Winston & Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: Stephen Dembek.

South Carolina Electric & Gas Company (SCE&G), South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station (VCSNS), Unit No. 1, Fairfield, County, South Carolina

Date of amendment request: September 24, 2002.

Description of amendment request: This proposed license amendment request would revise Technical Specification (TS) 4.8.1.1, ''AC Sources'' and the associated Bases section related to the Emergency Diesel Generators (EDG). This change would clarify the requirement for the start time test performed on a 184 day and an 18-month frequency. The proposed change will revise Surveillance Requirement (SR) 4.8.1.1.2.f.1 and 4.8.1.1.2.g.5 to more accurately reflect the plant conditions during EDG start testing.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The change does not involve a significant increase in probability or consequences of an accident previously evaluated?

This proposed amendment modifies an EDG Surveillance Requirement and does not impact the offsite AC distribution system; therefore the probability of any LOOP [loss of off-site power], including one concurrent with a LOCA [loss-of-coolant accident] is not significantly increased.

The proposed change revises the SR to better match the plant conditions during the test. SR 4.8.1.1.2.f.1 and 4.8.1.1.2.g.5 are performed with the EDG unloaded and as a result, overshoots its target nominal voltage and frequency during the test. In an actual event, the EDG would be almost immediately loaded once minimum voltage and frequency requirements are satisfied, thereby minimizing the overshoot.

To ensure the EDGs are capable of fulfilling their safety function, the proposed SR requires EDG voltage and frequency to achieve the specified minimum acceptable valued within 10 seconds, and to settle to a steady state voltage and frequency within the minimum and maximum values. That is, the upper limits are only applicable for steady state operation and do not apply during the transient portion of the EDG start. This change revises the acceptance criteria of 4.8.1.1.2.f.1 and 4.8.1.1.2.g.5 to clarify which voltage and frequency limits are applicable during the transient and steady state portions of the EDG start test.

This change does not affect the EDGs ability to supply the minimum voltage and frequency within 10 seconds or the steady state voltage and frequency required by the FSAR [Final Safety Analysis Report]. The EDGs will continue to perform their intended safety function, in accordance with the safety analysis. Thus, the consequences of any previously analyzed event are not significantly increased by this change.

The proposed change to 3.8.1.1, Action b.2 will not increase the probability or consequences of an accident previously evaluated. The change to this requirement to allow determination of no common cause failure mechanism has no impact on any accident. This change allows for not testing the redundant EDG if it can be demonstrated the failure mechanism of the affected EDG is not common cause. The normal TS surveillance testing schedule assures that operable EDG(s) are capable of performing their intended safety functions. The revision to the footnote on page 3/4.8–1 assures the action will be completed even if the EDG is restored to operable status within the action completion time.

The proposed revision to the fuel oil surveillance program will not preclude the EDGs from fulfilling their design functions. These changes provide flexibility to the testing program and continue to provide assurances that the fuel oil is acceptable for sustained engine operation. Eliminating or revising methodologies for testing of the fuel oil will not increase any probabilities or consequences to any accident previously evaluated.

2. The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The change revises SR 4.8.1.1.2.f.1 requirements to clarify which voltage and frequency limits are applicable during the transient and steady state portions of the EDG start testing. No changes are being made in equipment hardware or software, operational philosophy, testing frequency, how the system actually operates, or how the system is physically tested. Therefore, the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The elimination of unnecessary surveillance testing does not affect the design bases of the EDGs. The EDGs are designed to provide electrical power to the equipment important for safety during all modes and plant conditions following a loss of offsite power. The proposed changes to the Action requirements are consistent with NUREG–1431, NUREG–1366, Generic Letter 93–05, industry operating experience, and VCS operating experience. These changes are intended to improve plant safety, decrease equipment degradation, and remove unnecessary burden on personnel resources by reducing the amount of testing that the TS requires during power operation.

The revision to the fuel oil testing methodology does not impact the capabilities or functions of the EDGs. This testing methodology change will continue to assure the EDG is not degraded due to the fuel oil used. Existing test methodologies and guidance will continue to be followed, unless an evaluation demonstrates another methodology is as effective. Since the changes do not adversely impact important to safety equipment that is used in mitigating an accident, they will not create the possibility of an accident different from any previously evaluated.

3. The proposed amendment will not involve a significant reduction in a margin of safety.

The EDGs will still perform their intended safety function, in accordance with the VCSNS accident analysis. The revised test acceptance criteria are a much better match for the tested condition (unloaded). The performance of other TS SRs (in particular 4.8.1.1.2 g.4.b, 4.8.1.1.2g.6 and 4.8.1.1.2g.14) demonstrate EDG operability in conditions that are more representative of postulated accident conditions (loaded in the actual time sequence assumed in the accident analysis). The proposed amendment does not alter any acceptance criteria or equipment testing scope, which could impact the accident analysis.

The proposed change to exempt specific surveillance testing, as long as potential common cause can be ruled out, and eliminate unnecessary mechanical stress and wear on the diesel generator is an effort to improve plant reliability and safety. These changes are consistent with NUREG–1431, NUREG–1366, industry operating experience, and VCS operating experience and do not adversely affect the design bases, accident analysis, reliability or capability of the EDGs to perform their intended safety function. The revised footnote will assure that once the action is initiated, it will be completed regardless of when the EDG is restored to operability.

The proposed change to the fuel oil testing methodology has no impact on any safety margin. Accident analysis requires that the EDGs provide electric power to selected components during an accident scenario. The fuel oil quality will continue to meet established acceptance criteria and support the design function of the EDGs.

Since the design and licensing basis of the plant is unaffected, the proposed amendment will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Thomas G. Eppink, South Carolina Electric & Gas Company, Post Office Box 764, Columbia, South Carolina 29218.

NRC Section Chief: John A. Nakoski.

Southern Nuclear Operating Company, Inc, Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Date of amendment request: April 4, 2002.

Description of amendment request: The proposed amendments would revise Technical Specifications 5.5.17, ''Containment Leakage rate Testing Program,'' to reflect a one-time deferral of the Type-A Containment Integrated Leak Rate Test (ILRT). The 10-year interval between ILRTs is to be extended to 15 years from the previous ILRTs that were completed in March 1994 for Unit 1 and March 1995 for Unit 2.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed Technical Specifications change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed revision to Technical Specifications 5.5.17, ''Containment Leakage Rate Testing Program,'' involves a one time extension to the current interval for Type A containment leak testing. The current test interval of ten (10) years would be extended

on a one time basis to no longer than fifteen (15) years from the last Type A test. The proposed Technical Specifications change does not involve a physical change to the plant or a change in the manner in which the plant is operated or controlled. The reactor containment is designed to provide an essentially leak tight barrier against the uncontrolled release of radioactivity to the environment for postulated accidents. As such, the reactor containment itself and the testing requirements invoked to periodically demonstrate the integrity of the reactor containment exist to ensure the plant's ability to mitigate the consequences of an accident, and do not involve the prevention or identification of any precursors of an accident. Therefore, the proposed Technical Specification change does not involve a significant increase in the probability of an accident previously evaluated.

The proposed change involves only the extension of the interval between Type A containment leakage tests. Type B and C containment leakage tests will continue to be performed at the frequency currently required by plant Technical Specifications. Industry experience has shown, as documented in NUREG–1493, that Type B and C containment leakage tests have identified a very large percentage of containment leakage paths and that the percentage of containment leakage paths that are detected only by Type A testing is very small. FNP [Joseph M. Farley Nuclear Plant] test history supports this conclusion. NUREG–1493 concluded, in part, that reducing the frequency of Type A containment leak tests to once per twenty (20) years leads to an imperceptible increase in risk. The integrity of the reactor containment is subject to two types of failure mechanism which can be categorized as (1) activity based and (2) time based. Activity based failure mechanisms are defined as degradation due to system and/or component modifications or maintenance. Local leak rate test requirements and administrative controls such as design change control and procedural requirements for system restoration ensure that containment integrity is not degraded by plant modifications or maintenance activities. The design and construction requirements of the reactor containment itself combined with the containment inspections performed in accordance with ASME [American Society of Mechanical Engineers] Section XI, the Maintenance Rule and the containment coatings program serve to provide a high degree of assurance that the containment will not degrade in a manner that is detectable only by Type A testing. Therefore, the proposed Technical Specifications change does not involve a significant increase in the consequences of an accident previously evaluated.

2. The proposed Technical Specifications change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed revision to Technical Specifications involves a one time extension to the current interval for Type A containment leak testing. The reactor containment and the testing requirements invoked to periodically demonstrate the integrity of the reactor containment exist to ensure the plant's ability to mitigate the consequences of an accident and do not involve the prevention or identification of any precursors of an accident. The proposed Technical Specifications change does not involve a physical change to the plant or the manner in which the plant is operated or controlled. Therefore, the proposed Technical Specifications change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed Technical Specifications change does not involve a significant reduction in a margin of safety.

The proposed revision to Technical Specifications involves a one time extension to the current interval for Type A containment leak testing. The proposed Technical Specifications change does not involve a physical change to the plant or a change in the manner in which the plant is operated or controlled. The specific requirements and conditions of the Containment Leakage Rate Testing Program, as defined in Technical Specifications, exist to ensure that the degree of reactor containment structural integrity and leak tightness that is considered in the plant safety analysis is maintained. The overall containment leakage rates limits specified by Technical Specifications is maintained. The proposed change involves only the extension of the interval between Type A containment leakage tests. Type B and C containment leakage tests will continue to be performed at the frequency currently required by plant Technical Specifications.

FNP and industry experience strongly support the conclusion that Type B and C testing detects a large percentage of containment leakage paths and that the percentage of containment leakage paths that are detected only by Type A testing is small. The containment inspections performed in accordance with ASME Section XI, the Maintenance Rule and the Coatings Program serve to provide a high degree of assurance that the containment will not degrade in a manner that is detectable only by Type A testing. Therefore, the proposed Technical Specifications change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Esq., Balch and Bingham, Post Office Box 306, 1710 Sixth Avenue North, Birmingham, Alabama 35201.

NRC Section Chief: John A. Nakoski.

Southern Nuclear Operating Company, Inc, Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Date of amendment request: September 24, 2002.

Description of amendment request: The proposed amendments would revise Technical Specifications (TS) Limiting Conditions for Operation 3.7.10, Control Room Emergency Filtration/Pressurization System; and associated Bases. These changes will allow maintenance on ventilation area pressure boundaries (*i.e.*, doors) that cannot be conducted within the requirements of existing TS. The changes are based on U.S. Nuclear Regulatory Commission (NRC) approved Technical Specification Task Force—287, Rev. 5. In addition, the proposed amendments would revise TS 3.7.12 to eliminate a requirement to cease power operation if the fuel handling accident function of the penetration room filtration system is inoperable.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

The control room emergency filtration/pressurization system (CREFS) and the penetration room filtration (PRF) system are not initiators of any accident. The proposed changes do not alter the physical plant nor do they alter modes of plant operation. Therefore, the proposed changes do not affect the probability of any accident previously evaluated. Compensatory actions such as the availability of self-contained breathing apparatus or iodine filters provide additional assurance that the requirements of GDC [General Design Criteria] 19 are met. Prohibiting movement of irradiated fuel, or loads over irradiated fuel or core alterations when the control room boundary is inoperable and limiting movement of irradiated fuel or loads over the fuel in the spent fuel pool room when its boundary is inoperable will eliminate the potential for exceeding GDC 19 due to a fuel handling accident. These actions will also prevent an off site dose release in excess of analyzed values. Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any previously evaluated?

The CREFS and the PRF systems are not initiators of any analyzed accident. The proposed changes do not alter the operation of the plant or any of its equipment, introduce any permanent new equipment, adversely impact maintenance practices or result in any new failure mechanisms or single failures. Any temporary equipment utilized for compensatory measures will be subject to existing administrative controls that address issues such as fire prevention and seismic concerns. Therefore, there is no

potential for a new accident and no potential for changing the progression of an analyzed accident. The proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Do the proposed changes result in a significant reduction in a margin of safety?

The proposed changes do not adversely affect the ability of the fission product barriers to perform their functions. Adequate compensatory measures are available to mitigate a breach in the control room, spent fuel pool room and penetration room pressure boundaries. The probability of a loss of coolant accident that would place demands on these systems during a period that the ventilation system pressure boundaries would be allowed to be inoperable has been shown to be very small. In addition, proposed administrative controls eliminate the potential for a fuel handling accident, with potential to exceed dose limits, while the spent fuel pool room boundary room is breached. Therefore, the proposed changes do not result in a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Esq., Balch and Bingham, Post Office Box 306, 1710 Sixth Avenue North, Birmingham, Alabama 35201.

NRC Section Chief: John A. Nakoski.

Tennessee Valley Authority, Docket No. 50–327, Sequoyah Nuclear Plant, Unit 1, Hamilton County, Tennessee

Date of amendment request: September 3, 2002.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TS) by: (1) Modifying the wording of the current Surveillance Requirement (SR) 4.0.1 and SR 4.0.3 to be consistent with NUREG–1431, Revision 2, Improved Standard Technical Specifications (ISTS) wording for SR 3.0.1 and SR 3.0.3; (2) modifying the current TS 6.8 by adding a new subsection 6.8.j, which will include the NUREG–1431, Revision 2, ISTS wording for TS 5.5.14 that discusses the TS Bases Control Program; and (3) modifying the ISTS wording, adopted in item 1 above, to allow a delay period of 24 hours or up to the surveillance frequency interval, whichever is greater, and to require a risk analysis to be performed for any surveillance greater than 24 hours.

The NRC staff issued a notice of opportunity for comment in the **Federal Register** on June 14, 2001 (66 FR 32400), on possible amendments concerning missed surveillances, including a model safety evaluation and model no significant hazards consideration (NSHC) determination, using the Consolidated Line Item Improvement Process (CLIIP). The NRC staff subsequently issued a notice of availability of the models for referencing in license amendment applications in the **Federal Register** on September 28, 2001 (66 FR 49714). Tennessee Valley Authority reviewed the following proposed NSHC determination published in the **Federal Register** as part of the CLIIP for Technical Specification Task Force (TSTF)–358, and concluded in its application of September 3, 2002, that the proposed NSHC determination applied to Sequoyah.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

Adoption of TSTF–358, Revision 6—Missed Surveillances

A. The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change relaxes the time allowed to perform a missed surveillance. The time between surveillances is not an initiator of any accident previously evaluated. Consequently, the probability of an accident previously evaluated is not significantly increased. The equipment being tested is still required to be operable and capable of performing the accident mitigation functions assumed in the accident analysis. As a result, the consequences of any accident previously evaluated are not significantly affected. Any reduction in confidence that a standby system might fail to perform its safety function due to a missed surveillance is small and would not, in the absence of other unrelated failures, lead to an increase in consequences beyond those estimated by existing analyses. The addition of a requirement to assess and manage the risk introduced by the missed surveillance will further minimize possible concerns. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

B. The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. A missed surveillance will not, in and of itself, introduce new failure modes or effects and any increased chance that a standby system might fail to perform its safety function due to a missed surveillance would not, in the absence of other unrelated failures, lead to an accident beyond those previously evaluated. The addition of a requirement to assess and manage the risk introduced by the missed surveillance will further minimize possible concerns. Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

C. The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety

The extended time allowed to perform a missed surveillance does not result in a significant reduction in the margin of safety. As supported by the historical data, the likely outcome of any surveillance is verification that the LCO [Limiting Condition for Operation] is met. Failure to perform a surveillance within the prescribed frequency does not cause equipment to become inoperable. The only effect of the additional time allowed to perform a missed surveillance on the margin of safety is the extension of the time until inoperable equipment is discovered to be inoperable by the missed surveillance. However, given the rare occurrence of inoperable equipment, and the rare occurrence of a missed surveillance, a missed surveillance on inoperable equipment would be very unlikely. This must be balanced against the real risk of manipulating the plant equipment or condition to perform the missed surveillance. In addition, parallel trains and alternate equipment are typically available to perform the safety function of the equipment not tested. Thus, there is confidence that the equipment can perform its assumed safety function. Therefore, this change does not involve a significant reduction in a margin of safety.

In addition to the above determination of NSHC, the licensee has provided its analysis for the following proposed NSHC determination:

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration for the adoption of NUREG–1431, Revision 2, for Surveillance Requirements 3.0.1 and 3.0.3 wording and for the adoption of NUREG–1431, Revision 2, Technical Specification Bases Control Program, both of which are presented below:

Adoption of NUREG–1431, Revision 2, for Surveillance Requirements 3.0.1 and 3.0.3 Wording

A. The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change involves rewording of existing Specification 4.0.1 and 4.0.3 to be consistent with NUREG–1431, Revision 2. These modifications involve no technical changes to the existing TS [Technical Specifications]. This change is administrative in nature and does not affect initiators of analyzed events or assumed mitigation of accident or transient events. Therefore, this

change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

B. The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated

The proposed change involves the rewording of the existing Specification 4.0.1 and 4.0.3 to be consistent with NUREG–1431, Revision 2. The change does not involve a physical alteration of the plant (no new or different type of equipment installed) or changes in the methods governing normal plant operation. The change will not impose any new or different requirements or eliminate any existing requirements. Therefore, the proposed change does not create the probability of a new or different kind of accident from any accident previously evaluated.

C. The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety

The proposed change involves rewording of the existing Specification 4.0.1 and 4.0.3 to be consistent with NUREG–1431, Revision 2. The change is administrative in nature and will not involve any technical changes. The change will not reduce a margin of safety because it has no impact on any safety analysis assumptions. Since this change is administrative in nature, no question of safety is involved. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Adoption of NUREG–1431, Revision 2, Technical Specification Bases Control Program

A. The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change involves incorporation of the NUREG–1431, Revision 2, Bases Control Program requirements into the SQN [Sequoyah Nuclear Plant] Units 1 and 2 TS. This change involves no technical change to existing TS, it simply adds wording on how the bases section of the TS will be maintained and controlled. This change is administrative in nature and does not affect initiators or analyzed events or assumed mitigation of accident or transient events. Therefore, this change does not involve a significant increase in the probability or consequences or an accident previously evaluated.

B. The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated

The proposed change involves incorporation of the NUREG–1431, Revision 2, Bases Control Program requirements into the SQN Units 1 and 2 TS. The change does not involve a physical alteration of the plant (no new or different type of equipment installed) or changes in the methods governing normal plant operation. The change will not impose any new or different requirements or eliminate any existing requirements. Therefore, the proposed change does not create the probability of a new or different kind of accident from any accident previously evaluated.

C. The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety

The proposed change involves incorporation of the NUREG–1431, Revision 2, Bases Control Program requirements into SQN Units 1 and 2 TS. The change is administrative in nature and will not involve any technical changes. The change will not reduce a margin of safety because they have not impact on any safety analysis assumptions. Since this change is administrative in nature, no question of safety is involved. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based upon the reasoning presented above and the previous discussion of the amendment request, the requested change does not involve a significant hazards consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 10H, Knoxville, Tennessee 37902.

NRC Section Chief: Allen G. Howe.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: October 1, 2002.

Description of amendment request: The amendment would add a phrase to Limiting Condition for Operation (LCO) 3.1.8, ''Physics Tests Exceptions—Mode 2,'' of the technical specifications (TSs). The phrase to be added is that the number of required channels for certain functions in Table 3.3.1–1 of LCO 3.3.1, ''RTS Instrumentation,'' may be reduced from four to three required channels. LCO 3.1.8 applies to reactor Mode 2 during physics tests.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Overall protection system performance [for the proposed change] will remain within the bounds of the previously performed accident analyses since there are no permanent hardware changes. The design of the RTS [reactor trip system] instrumentation will be unaffected; only the manner in which the system is connected for short duration physics testing is being changed to allow the temporary bypass of one power range channel. The reactor protection system will continue to function in a manner consistent with the plant design basis since a sufficient number of power range channels will remain OPERABLE to assure the capability of protective functions, even with a postulated single failure. [The number of required channels for certain functions in Table 3.3.1–1 is only being reduced from 4 to 3 channels.] All design, material, and construction standards that were applicable prior to the request are maintained.

The proposed change will allow the temporary bypass of one power range neutron flux channel during the performance of low power physics testing in MODE 2. This results in a temporary change to the coincidence logic from one-out-of-three under the current TS (with a trip imposed on the channel used for physics testing) to two-out-of-three under the proposed TS (the channel used for physics testing would be in a bypassed state). However, this two-out-of-three coincidence logic still supports [the] required protection and control system applications, while reducing plant susceptibility to a spurious reactor trip.

The proposed change will not affect the probability of any event initiators. There will be no change to normal plant operating parameters or accident mitigation performance.

The proposed change will not alter any assumptions or change any mitigation actions in the radiological consequence evaluations in the USAR [Wolf Creek Updated Safety Analysis Report].

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

There are no permanent hardware changes nor are there any changes in the method by which any safety-related plant system performs its safety function. This change will not affect the normal method of power operation or change any operating parameters. No performance requirements will be affected.

No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures are introduced as a result of this amendment. There will be no adverse effect or challenges imposed on any safety-related system as a result of this amendment.

The proposed amendment does not alter the design or performance of the 7300 Process Protection System, Nuclear Instrumentation System (other than as discussed above), or Solid State Protection System used in the plant protection systems. [The number of the required channels is not an initiator of an accident.]

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

There will be no effect on the manner in which safety limits or limiting safety system

settings are determined nor will there be any effect on those plant systems necessary to assure the accomplishment of protective functions. There will be no impact on the overpower limit, departure from nucleate boiling ratio (DNBR) limits, heat flux hot channel factor (FQ), nuclear enthalpy rise hot channel factor (F'H), loss of coolant accident peak cladding temperature (LOCA PCT), peak local power density, or any other margin of safety. The radiological dose consequence acceptance criteria listed in the Standard Review Plan will continue to be met.

The proposed change does not eliminate any RTS surveillance or alter the Frequency of surveillances required by the Technical Specifications. The nominal RTS and Engineered Safety Features Actuation System (ESFAS) trip setpoints (TS Bases Tables B 3.3.1–1 and B 3.3.2–1), RTS and ESFAS allowable values (TS Tables 3.3.1–1 and 3.3.2–1), and the safety analysis limits assumed in the transient and accident analyses [(USAR Table 15.0–4)] are unchanged. None of the acceptance criteria for any accident analysis is changed. The potential reduction in the frequency of spurious reactor trips would effectively increase the margin of safety or, at a minimum, be risk-neutral.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: Stephen Dembek.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/reading-rm/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.*

AmerGen Energy Company, LLC, et al., Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of application for amendment: April 26, 2002, as supplemented on July 11 and September 12, 2002.

Brief description of amendment: The amendment revised Sections 2.3, ''Limiting Safety System Settings,'' 3.1, ''Protective Instrumentation,'' and 3.10, ''Core Limits,'' of the Technical Specifications, and approved the use of flow control reference cards to support implementation of the Boiling Water Reactor Owners Group Option II solution for the long-term reactor stability problem.

Date of Issuance: October 18, 2002.

Effective date: October 18, 2002, and shall be implemented within 30 days of issuance.

Amendment No.: 235.

Facility Operating License No. DPR–16: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** May 28, 2002 (67 FR 36926).

The July 11 and September 12, 2002, letters provided clarifying information within the scope of the original application and did not change the staff's initial proposed no significant hazards consideration determination. The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated October 18, 2002.

No significant hazards consideration comments received: No.

Dominion Nuclear Connecticut, Inc., Docket No. 50–336, Millstone Power Station, Unit No. 2, New London County, Connecticut

Date of application for amendment: July 19, 2002, as supplemented September 6, 2002.

Brief description of amendment: The amendment revises Technical Specification (TS) Surveillance Requirement (SR) 4.0.3 to extend the delay period, before entering a Limiting Condition for Operation, following a missed surveillance. The delay period is extended from the current limit of ''* * * up to 24 hours'' to ''* * * up to 24 hours or up to the limit of the specified surveillance interval, whichever is greater.'' In addition, the following requirement is added to SR 4.0.3: ''A risk evaluation shall be performed for any surveillance delayed greater than 24 hours and the risk impact shall be managed.'' The amendment also makes administrative changes to SRs 4.0.1 and 4.0.3 to be consistent with NUREG–1432, Revision 2, ''Standard Technical Specifications, Combustion Engineering Plants.''

Date of issuance: October 15, 2002.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment No.: 271.

Facility Operating License No. DPR–65: This amendment revised the TSs.

Date of initial notice in ***Federal Register:*** August 22, 2002 (67 FR 54497).

The September 6, 2002, letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 15, 2002.

No significant hazards consideration comments received: No.

Duke Energy Corporation, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of application of amendments: July 29, 2002.

Brief description of amendments: The amendments revised Technical

Specification Surveillance Requirement 3.7.2.2 to decrease the allowable closure time for the turbine stop valves from 15 seconds to 1 second.

Date of Issuance: October 24, 2002.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: 329, 329, 330.

Renewed Facility Operating License Nos. DPR–38, DPR–47, and DPR–55: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** September 3, 2002 (67 FR 56320).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 24, 2002.

No significant hazards consideration comments received: No.

Energy Northwest, Docket No. 50–397, Columbia Generating Station, Benton County, Washington

Date of application for amendment: July 18, 2002.

Brief description of amendment: The amendment revises Surveillance Requirement (SR) 3.0.3 to extend the delay period before entering a Limiting Condition for Operation following a missed surveillance. The delay period is extended from the current limit of ''* * * up to 24 hours or up to the limit of the specified Frequency, whichever is less'' to ''* * * up to 24 hours or up to the limit of the specified Frequency, whichever is greater.'' In addition, the following requirement is added to SR 3.0.3: ''A risk evaluation shall be performed for any Surveillance delayed greater than 24 hours and the risk impact shall be managed.''

Date of issuance: October 8, 2002.

Effective date: October 8, 2002, to be implemented within 60 days from the date of issuance.

Amendment No.: 180.

Facility Operating License No. NPF–21: The amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** September 3, 2002 (67 FR 56321).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 8, 2002.

No significant hazards consideration comments received: No.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of application for amendments: October 17, 2001, as supplemented by letters dated February 26, August 14 and September 13, 2002.

Brief description of amendments: The amendments revise (1) Technical Specification (TS) Section 1.1, ''Definitions,'' for Dose Equivalent I–131, to allow the use of the thyroid dose conversion factors, listed in the International Commission on Radiological Protection Publication 30, ''Limits for Intakes of Radionuclides by Workers,'' and (2) Section 3.9.4, ''Containment Penetrations,'' to allow the equipment hatch, personnel air lock doors, and emergency air lock doors to remain open during core alterations and movement of irradiated fuel assemblies.

Date of issuance: October 21, 2002.

Effective date: October 21, 2002, to be implemented within 30 days from the date of issuance, including the completion of the administrative procedures that ensure that closure of the open containment penetrations, with direct access to the outside atmosphere during refueling operations with core alterations or irradiated fuel movement inside containment, will be initiated immediately in the event of a fuel handling accident inside containment, or if severe weather warnings are in effect.

Amendment Nos.: Unit 1—155; Unit 2—155.

Facility Operating License Nos. DPR–80 and DPR–82: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** January 8, 2002 (67 FR 929).

The supplemental letters dated February 26, August 14 and September 13, 2002, provided additional clarifying information, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 21, 2002.

No significant hazards consideration comments received: No.

Portland General Electric Company, et al., Docket No. 50–344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: November 15, 2001 as supplemented by letters dated January 31, July 31, and October 3, 2002.

Brief description of amendment: The amendment revises License Condition 2.C(10), ''Loading of Fuel into Casks in the Fuel Building,'' to license number NPF–1 for the Trojan Nuclear Plant (TNP). Specifically, these design changes are the result of the licensee's selection of Holtec International's design components (*e.g.*, the Multi-Purpose Cannister versus the Pressurized Water Reactor Basket. The new design basis limits impact the cask loading operations and contingency unloading in the Fuel Building.

Date of issuance: October 21, 2002.

Effective date: As of the date of issuance to be implemented and shall be implemented prior to placing Holtec International MPC's in the TNP ISFSI.

Facility Operating License No. NPF–1: The amendment changes the cask loading and contingency unloading operations in the Fuel Building.

Date of initial notice in ***Federal Register:*** April 2, 2002 (67 FR 15626).

The January 31, July 31, and October 3, 2002, supplemental letters provided clarifying information that did not change the scope of the original **Federal Register** (67 FR 15626) notice or the original no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 21, 2002.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 4th day of November 2002.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02–28483 Filed 11–8–02; 8:45 am]

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Federal Register

Tuesday,
November 12, 2002

Part III

The President

Proclamation 7623—Veterans Day, 2002

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Presidential Documents

Title 3—

The President

Proclamation 7623 of November 6, 2002

Veterans Day, 2002

By the President of the United States of America

A Proclamation

America was founded on the principles of liberty, opportunity, and justice for all, and on Veterans Day we recognize the men and women of our Armed Forces who have valiantly defended these values throughout our Nation's history. These remarkable individuals have helped to make our Nation secure and to advance the cause of freedom worldwide. By answering the call of duty and risking their lives to protect their fellow countrymen, these patriots have inspired our Nation with their courage, compassion, and dedication.

There are currently more than 25 million living American veterans, many of whom put their lives on the line to preserve our freedoms. Our veterans served on the land, at sea, and in the air, from the shores of Omaha Beach and the jungles of Vietnam, to the sands of the Persian Gulf, the mountains of Afghanistan, and many other battlefields around the globe. Through each of these challenges, the members of the Army, Navy, Air Force, Marines, and Coast Guard have protected our country and liberated millions of people around the world from the threats of tyranny and terror.

Our proud veterans have also helped to shape the American character. They have given us an extraordinary legacy of patriotism and honor, and their service represents the highest form of citizenship. So that young Americans can better understand the commitment and sacrifice of these heroes in securing the blessings of liberty, I ask all schools to observe November 10 through November 16, 2002, as National Veterans Awareness Week. I encourage educators to invite veterans to teach our young people about their experiences. By sharing their knowledge on some of the most proud and dramatic moments in our history, they can help educate and inspire a new generation of Americans.

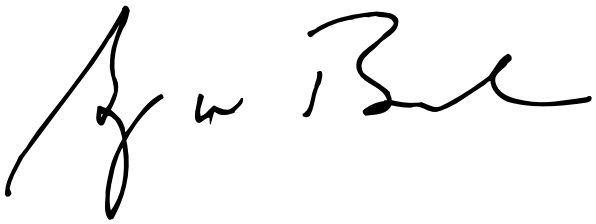
On the observance of Veterans Day in 1954, President Dwight D. Eisenhower called on all citizens to not only remember ''the sacrifices of all those who fought so valiantly...'' but also to rededicate themselves ''to the task of promoting an enduring peace....'' Today, almost 50 years later, we remember the dedication of our veterans, and resolve ourselves to upholding their legacy of justice, liberty, and opportunity for all.

In recognition of the contributions our service men and women have made to the cause of peace and freedom around the world, the Congress has provided (5 U.S.C. 6103(a)) that November 11 of each year shall be set aside as a legal public holiday to honor veterans.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, do hereby proclaim November 11, 2002, as Veterans Day and urge all Americans to observe November 10 through November 16, 2002, as National Veterans Awareness Week. I urge all Americans to recognize the valor and sacrifice of our veterans through appropriate public ceremonies and private prayers. I call upon Federal, State, and local officials to display the flag of the United States and to encourage and participate in patriotic activities in their communities. I invite civic and fraternal organizations, places of worship, schools, businesses, unions, and the media to support

this national observance with suitable commemorative expressions and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of November, in the year of our Lord two thousand two, and of the Independence of the United States of America the two hundred and twenty-seventh.



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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 202–741–6043. This list is also available online at *http://*

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The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.access.gpo.gov/nara/nara005.html*. Some laws may not yet be available.

H.R. 4013/P.L. 107–280

Rare Diseases Act of 2002 (Nov. 6, 2002; 116 Stat. 1988)

H.R. 4014/P.L. 107–281

Rare Diseases Orphan Product Development Act of 2002 (Nov. 6, 2002; 116 Stat. 1992)

H.R. 5200/P.L. 107–282

Clark County Conservation of Public Land and Natural Resources Act of 2002 (Nov. 6, 2002; 116 Stat. 1994)

H.R. 5308/P.L. 107–283

To designate the facility of the United States Postal Service located at 301 South Howes Street in Fort Collins, Colorado, as the ''Barney Apodaca Post Office''. (Nov. 6, 2002; 116 Stat. 2020)

H.R. 5333/P.L. 107–284

To designate the facility of the United States Postal Service located at 4 East Central Street in Worcester, Massachusetts, as the ''Joseph D. Early Post Office Building''. (Nov. 6, 2002; 116 Stat. 2021)

H.R. 5336/P.L. 107–285

To designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the ''Peter J. Ganci, Jr. Post Office Building''. (Nov. 6, 2002; 116 Stat. 2022)

H.R. 5340/P.L. 107–286

To designate the facility of the United States Postal Service located at 5805 White Oak Avenue in Encino, California, as the ''Francis Dayle 'Chick' Hearn Post Office''. (Nov. 6, 2002; 116 Stat. 2023)

H.R. 3253/P.L. 107–287

Department of Veterans Affairs Emergency Preparedness Act of 2002 (Nov. 7, 2002; 116 Stat. 2024)

H.R. 4015/P.L. 107–288

Jobs for Veterans Act (Nov. 7, 2002; 116 Stat. 2033)

H.R. 4685/P.L. 107–289

Accountability of Tax Dollars Act of 2002 (Nov. 7, 2002; 116 Stat. 2049)

H.R. 5205/P.L. 107–290

To amend the District of Columbia Retirement Protection Act of 1997 to permit the Secretary of the Treasury to use estimated amounts in determining the service longevity component of the Federal benefit payment required to be paid under such Act to certain retirees of the Metropolitan Police Department of the District of Columbia. (Nov. 7, 2002; 116 Stat. 2051)

H.R. 5574/P.L. 107–291

To designate the facility of the United States Postal Service located at 206 South Main Street in Glennville, Georgia, as the ''Michael Lee Woodcock Post Office''. (Nov. 7, 2002; 116 Stat. 2052)

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CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–048–00001–1)	9.00	Jan. 1, 2002
3 (1997 Compilation and Parts 100 and 101)	(869–048–00002–0)	59.00	[1] Jan. 1, 2002
4	(869–048–00003–8)	9.00	[4] Jan. 1, 2002
5 Parts:			
1–699	(869–048–00004–6)	57.00	Jan. 1, 2002
700–1199	(869–048–00005–4)	47.00	Jan. 1, 2002
1200–End, 6 (6 Reserved)	(869–048–00006–2)	58.00	Jan. 1, 2002
7 Parts:			
1–26	(869–048–00001–1)	41.00	Jan. 1, 2002
27–52	(869–048–00008–9)	47.00	Jan. 1, 2002
53–209	(869–048–00009–7)	36.00	Jan. 1, 2002
210–299	(869–048–00010–1)	59.00	Jan. 1, 2002
300–399	(869–048–00011–9)	42.00	Jan. 1, 2002
400–699	(869–048–00012–7)	57.00	Jan. 1, 2002
700–899	(869–048–00013–5)	54.00	Jan. 1, 2002
900–999	(869–048–00014–3)	58.00	Jan. 1, 2002
1000–1199	(869–048–00015–1)	25.00	Jan. 1, 2002
1200–1599	(869–048–00016–0)	58.00	Jan. 1, 2002
1600–1899	(869–048–00017–8)	61.00	Jan. 1, 2002
1900–1939	(869–048–00018–6)	29.00	Jan. 1, 2002
1940–1949	(869–048–00019–4)	53.00	Jan. 1, 2002
1950–1999	(869–048–00020–8)	47.00	Jan. 1, 2002
2000–End	(869–048–00021–6)	46.00	Jan. 1, 2002
8	(869–048–00022–4)	58.00	Jan. 1, 2002
9 Parts:			
1–199	(869–048–00023–2)	58.00	Jan. 1, 2002
200–End	(869–048–00024–1)	56.00	Jan. 1, 2002
10 Parts:			
1–50	(869–048–00025–4)	58.00	Jan. 1, 2002
51–199	(869–048–00026–7)	56.00	Jan. 1, 2002
200–499	(869–048–00027–5)	44.00	Jan. 1, 2002
500–End	(869–048–00028–3)	58.00	Jan. 1, 2002
11	(869–048–00029–1)	34.00	Jan. 1, 2002
12 Parts:			
1–199	(869–048–00030–5)	30.00	Jan. 1, 2002
200–219	(869–048–00031–3)	36.00	Jan. 1, 2002
220–299	(869–048–00032–1)	58.00	Jan. 1, 2002
300–499	(869–048–00033–0)	45.00	Jan. 1, 2002
500–599	(869–048–00034–8)	42.00	Jan. 1, 2002
600–End	(869–048–00035–6)	61.00	Jan. 1, 2002
13	(869–048–00036–4)	47.00	Jan. 1, 2002
14 Parts:			
1–59	(869–048–00037–2)	60.00	Jan. 1, 2002
60–139	(869–048–00038–1)	58.00	Jan. 1, 2002
140–199	(869–048–00039–9)	29.00	Jan. 1, 2002
200–1199	(869–048–00040–2)	47.00	Jan. 1, 2002
1200–End	(869–048–00041–1)	41.00	Jan. 1, 2002
15 Parts:			
0–299	(869–048–00042–9)	37.00	Jan. 1, 2002
300–799	(869–048–00043–7)	58.00	Jan. 1, 2002
800–End	(869–048–00044–5)	40.00	Jan. 1, 2002
16 Parts:			
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1000–End	(869–048–00046–1)	57.00	Jan. 1, 2002
17 Parts:			
1–199	(869–048–00048–8)	47.00	Apr. 1, 2002
200–239	(869–048–00049–6)	55.00	Apr. 1, 2002
240–End	(869–048–00050–0)	59.00	Apr. 1, 2002
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400–End	(869–048–00052–6)	24.00	Apr. 1, 2002
19 Parts:			
1–140	(869–048–00053–4)	57.00	Apr. 1, 2002
141–199	(869–048–00054–2)	56.00	Apr. 1, 2002
200–End	(869–048–00055–1)	29.00	Apr. 1, 2002
20 Parts:			
1–399	(869–048–00056–9)	47.00	Apr. 1, 2002
400–499	(869–048–00057–7)	60.00	Apr. 1, 2002
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21 Parts:			
1–99	(869–048–00059–3)	39.00	Apr. 1, 2002
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170–199	(869–048–00061–5)	47.00	Apr. 1, 2002
200–299	(869–048–00062–3)	16.00	Apr. 1, 2002
300–499	(869–048–00063–1)	29.00	Apr. 1, 2002
500–599	(869–048–00064–0)	46.00	Apr. 1, 2002
600–799	(869–048–00065–8)	16.00	Apr. 1, 2002
800–1299	(869–048–00066–6)	56.00	Apr. 1, 2002
1300–End	(869–048–00067–4)	22.00	Apr. 1, 2002
22 Parts:			
1–299	(869–048–00068–2)	59.00	Apr. 1, 2002
300–End	(869–048–00069–1)	43.00	Apr. 1, 2002
23	(869–048–00070–4)	40.00	Apr. 1, 2002
24 Parts:			
0–199	(869–048–00071–2)	57.00	Apr. 1, 2002
200–499	(869–048–00072–1)	47.00	Apr. 1, 2002
500–699	(869–048–00073–9)	29.00	Apr. 1, 2002
700–1699	(869–048–00074–7)	58.00	Apr. 1, 2002
1700–End	(869–048–00075–5)	29.00	Apr. 1, 2002
25	(869–048–00076–3)	68.00	Apr. 1, 2002
26 Parts:			
§§ 1.0-1–1.60	(869–048–00077–1)	45.00	Apr. 1, 2002
§§ 1.61–1.169	(869–048–00078–0)	58.00	Apr. 1, 2002
§§ 1.170–1.300	(869–048–00079–8)	55.00	Apr. 1, 2002
§§ 1.301–1.400	(869–048–00080–1)	44.00	Apr. 1, 2002
§§ 1.401–1.440	(869–048–00081–0)	60.00	Apr. 1, 2002
§§ 1.441-1.500	(869-048-00082-8)	47.00	Apr. 1, 2002
§§ 1.501–1.640	(869–048–00083–6)	44.00	[6] Apr. 1, 2002
§§ 1.641–1.850	(869–048–00084–4)	57.00	Apr. 1, 2002
§§ 1.851–1.907	(869–048–00085–2)	57.00	Apr. 1, 2002
§§ 1.908–1.1000	(869–048–00086–1)	56.00	Apr. 1, 2002
§§ 1.1001–1.1400	(869–048–00087–9)	58.00	Apr. 1, 2002
§§ 1.1401–End	(869–048–00088–7)	61.00	Apr. 1, 2002
2–29	(869–048–00089–5)	57.00	Apr. 1, 2002
30–39	(869–048–00090–9)	39.00	Apr. 1, 2002
40–49	(869–048–00091–7)	26.00	Apr. 1, 2002
50–299	(869–048–00092–5)	38.00	Apr. 1, 2002
300–499	(869–048–00093–3)	57.00	Apr. 1, 2002
500–599	(869–048–00094–1)	12.00	[5] Apr. 1, 2002
600–End	(869–048–00095–0)	16.00	Apr. 1, 2002
27 Parts:			
1–199	(869–048–00096–8)	61.00	Apr. 1, 2002

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200–End	(869–048–00097–6)	13.00	Apr. 1, 2002
28 Parts:			
0-42	(869–048–00098–4)	58.00	July 1, 2002
43-end	(869-048-00099-2)	55.00	July 1, 2002
29 Parts:			
0–99	(869–048–00100–0)	45.00	[8]July 1, 2002
100–499	(869–048–00101–8)	21.00	July 1, 2002
500–899	(869–048–00102–6)	58.00	July 1, 2002
900–1899	(869–048–00103–4)	35.00	July 1, 2002
1900–1910 (§§ 1900 to 1910.999)	(869–048–00104–2)	58.00	July 1, 2002
1910 (§§ 1910.1000 to end)	(869–048–00105–1)	42.00	[8]July 1, 2002
1911–1925	(869–048–00106–9)	29.00	July 1, 2002
1926	(869–048–00107–7)	47.00	July 1, 2002
*1927–End	(869–048–00108–5)	59.00	July 1, 2002
30 Parts:			
1–199	(869–048–00109–3)	56.00	July 1, 2002
*200–699	(869–048–00110–7)	47.00	July 1, 2002
700–End	(869–048–00111–5)	56.00	July 1, 2002
31 Parts:			
0–199	(869–048–00112–3)	35.00	July 1, 2002
200–End	(869–048–00113–1)	60.00	July 1, 2002
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
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1–190	(869–048–00114–0)	56.00	July 1, 2002
191–399	(869–048–00115–8)	60.00	July 1, 2002
400–629	(869–048–00116–6)	47.00	July 1, 2002
630–699	(869–048–00117–4)	37.00	July 1, 2002
700–799	(869–048–00118–2)	44.00	July 1, 2002
800–End	(869–048–00119–1)	46.00	July 1, 2002
33 Parts:			
*1–124	(869–048–00120–4)	47.00	July 1, 2002
*125–199	(869–048–00121–2)	60.00	July 1, 2002
200–End	(869–048–00122–1)	47.00	July 1, 2002
34 Parts:			
1–299	(869–048–00123–9)	45.00	July 1, 2002
300–399	(869–048–00124–7)	43.00	July 1, 2002
400–End	(869–048–00125–5)	59.00	July 1, 2002
35	(869–048–00126–3)	10.00	[7]July 1, 2002
36 Parts			
1–199	(869–048–00127–1)	36.00	July 1, 2002
200–299	(869–048–00128–0)	35.00	July 1, 2002
*300–End	(869–048–00129–8)	58.00	July 1, 2002
37	(869–048–00130–1)	47.00	July 1, 2002
38 Parts:			
*0–17	(869–048–00131–0)	57.00	July 1, 2002
18–End	(869–048–00132–8)	58.00	July 1, 2002
39	(869–048–00133–6)	40.00	July 1, 2002
40 Parts:			
1–49	(869–048–00134–4)	57.00	July 1, 2002
50–51	(869–048–00135–2)	40.00	July 1, 2002
52 (52.01–52.1018)	(869–048–00136–1)	55.00	July 1, 2002
52 (52.1019–End)	(869–048–00137–9)	58.00	July 1, 2002
53–59	(869–048–00138–7)	29.00	July 1, 2002
60 (60.1–End)	(869–048–00139–5)	56.00	July 1, 2002
60 (Apps)	(869–048–00140–9)	51.00	[8]July 1, 2002
61–62	(869–048–00141–7)	38.00	July 1, 2002
63 (63.1–63.599)	(869–048–00142–5)	56.00	July 1, 2002
63 (63.600–63.1199)	(869–048–00143–3)	46.00	July 1, 2002
63 (63.1200-End)	(869–044–00144–6)	56.00	July 1, 2001
*64–71	(869–048–00145–0)	29.00	July 1, 2002
72–80	(869–048–00146–8)	59.00	July 1, 2002
81–85	(869–048–00147–6)	47.00	July 1, 2002
86 (86.1–86.599–99)	(869–048–00148–4)	52.00	[8]July 1, 2002
86 (86.600–1–End)	(869–048–00149–2)	47.00	July 1, 2002
87–99	(869–048–00150–6)	57.00	July 1, 2002
100–135	(869–048–00151–4)	42.00	July 1, 2002
136–149	(869–048–00152–2)	58.00	July 1, 2002
150–189	(869–044–00153–5)	52.00	July 1, 2001
190–259	(869–048–00154–9)	37.00	July 1, 2002
260–265	(869–048–00155–7)	47.00	July 1, 2002
266–299	(869–048–00156–5)	47.00	July 1, 2002
300–399	(869–048–00157–3)	43.00	July 1, 2002
400–424	(869–048–00158–1)	54.00	July 1, 2002
425–699	(869–048–00159–0)	59.00	July 1, 2002
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790–End	(869–048–00161–1)	45.00	July 1, 2002
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
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8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
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18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
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1–100	(869–048–00162–0)	23.00	July 1, 2002
101	(869–048–00163–8)	43.00	July 1, 2002
102–200	(869–048–00164–6)	41.00	July 1, 2002
*201–End	(869–048–00165–4)	24.00	July 1, 2002
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
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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	(869–048–00047–0)	59.00	Jan. 1, 2002
Complete 2001 CFR set		1,195.00	2001
Microfiche CFR Edition:			
Subscription (mailed as issued)		298.00	2000
Individual copies		2.00	2000
Complete set (one-time mailing)		290.00	2000
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 April 1, 2001, through April 1, 2002. The CFR volume issued as of April 1, 2001 should be retained.

[7] 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.

[8] No amendments to this volume were promulgated during the period July 1, 2001, through July 1, 2002. The CFR volume issued as of July 1, 2001 should be retained.