

- The USDA inspection must find that the condition defects exceed the thresholds outlined in Appendix D above.

- Any price adjustments will be limited to the actual percentage of condition defects as documented by a USDA inspection certificate.

- The price adjustments will be limited to actual destruction costs, the allocated freight expense, and salvaging and reconditioning expenses calculated in accordance with Appendix D above.

- The customer may not resell any defective tomatoes. Instead, they must be destroyed, returned or donated to a non-profit food bank. Signatories should provide a copy of the Agreement to any customer which may be unfamiliar with its terms or which has questions about those terms.

The process by which a signatory could provide evidence to PACA that its sales contracts were made subject to the terms of the Agreement including, in particular, those terms listed above is outlined below.

- The signatory should maintain written documentation demonstrating that it had informed its customers and the customers accepted that the sales were subject to the terms of the Agreement prior to issuing the invoice. A signed contract to that effect would be the best evidence of that fact; however, a purchase by the customer after being informed of the relevance of the Agreement is evidence of acceptance.

- The signatory should send letters to its customers via registered mail, return receipt requested, informing the customers that, as a signatory to the Agreement, all of the signatory's sales are subject to the terms of the Agreement and that, by purchasing from them, the buyer agrees to those terms. The letter should also indicate that the signatory's sales personnel do not have authority to alter the terms of the Agreement.

- In addition, the signatory should include a statement on its order confirmation sheets that its contract with the buyer is subject to the terms of the Agreement as detailed in the signatory's "pre-season" letter and maintain a copy of the order confirmations and fax receipts demonstrating that they were sent to the customer prior to making the sale. If the sale is to a first-time purchaser that did not receive a "pre-season" letter, a letter should be supplied to the buyer prior to making a sale.

- The signatory should instruct its sales personnel to inform customers making purchases by telephone or at the loading dock that the sale is subject to the terms of the Agreement and its restrictions on price adjustments and, by purchasing from them, the buyer agrees to those terms. In fact, the sales personnel should provide a copy of the letter to the customer and, ideally, have the customer acknowledge receipt of the letter, in writing, prior to making the sale. Such an established practice will help to ensure that even new customers are informed properly of the terms of sale prior to completing a contract.

PACA does not require any one particular form of written documentation but USDA officials have confirmed that, if signatories maintain written evidence demonstrating that their customers were informed that their

sales were made subject to the terms of the Agreement prior to sale, PACA will recognize those terms as part of the sales contract.

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DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No.: 021028258-2258-01]

Notice of Intent To Disseminate Infrared Spectral Library

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice and request for comments.

SUMMARY: The National Institute of Standards and Technology has recently announced its intent to add condensed phase infrared spectra to its current library of gas phase infrared spectra. NIST plans on making this library widely available via the Internet for scientists, engineers and other parties interested in gas phase infrared spectra. This notice solicits comments concerning proposed plans for disseminating this new data through the Internet.

DATES: Comments must be received by January 15, 2003.

ADDRESSES: Comments should be sent to the attention of Dr. Stephen Stein at the National Institute of Standards and Technology, Mail Stop 8380, 100 Bureau Drive, Gaithersburg, MD, 20899-8380.

FOR FURTHER INFORMATION CONTACT: Dr. Stephen Stein by writing to the above address or by e-mail at stephen.stein@nist.gov or by telephone at (301) 975-2444.

SUPPLEMENTARY INFORMATION: On August 8, 2002, NIST published a notice in the *Federal Register* entitled "Notice of Intent to Update Infrared Spectral Library", in which comments were invited concerning the addition of approximately 10,000 digitized, condensed-phase infrared spectra to an existing NIST gas-phase collection. NIST received two comments from one individual. One of those comments made to that notice raised the issue of what methods NIST will use to disseminate the database. Based upon that comment, NIST decided that the means of data dissemination should be opened for discussion. As a result, NIST has decided to re-open the comment period and request public comments on the issue of the means of data dissemination by NIST. Therefore, in

this notice, we invite interested parties to provide comments concerning possible means of dissemination of this new data. Current NIST plans are to publish this data on the Internet via the NIST WebBook (<http://webbook.nist.gov/>) in the same manner as currently employed for the gas-phase infrared data. This data is made freely available on a single-spectrum lookup basis, with individual spectra selected for display by users. No library searching or full or partial database downloading capabilities are planned.

Dated: December 4, 2002.

Karen H. Brown,
Deputy Director.

[FR Doc. 02-31617 Filed 12-13-02; 8:45 am]

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DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Proposed Information Collection; Comment Request; Public Telecommunications Facilities Program Grant Monitoring

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before February 14, 2003.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 1401 Constitution Avenue, NW., Washington, DC 20230 (or via the Internet dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Clifton Beck, NTIA, Room H-4888, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

I. Abstract

The purpose of the Public Telecommunications Facilities Program is to assist, through matching funds, in